

Sentencing, Supervision, and Interventions that Reduce Crime: Evidence Based Practices

Spring Judicial College Program
Indianapolis Hilton North
April 17, 2008



Mark Carey
www.thecareygroupinc.com
mark@thecareygroup.com
651-226-4755

OBJECTIVES

By end of session participants will be able to:

- Review the previous ebp concepts discussed in April 07
- Identify the interventions that increase future crime those that have no impact, and those that decrease crime
- Practice the application of research to bench life

Background: Mark Carey

- Residential treatment counselor
- Probation/parole officer
- Director of four county Corrections agencies
- Deputy Commissioner, MN DOC
- Warden, women's prison
- Consultant/trainer

Definition

- **Evidence Based Practices:** A progressive, organizational use of direct, current scientific evidence to guide and inform efficient and effective correctional services.



National Center for State Courts Survey of State Chief Justices (2006)

- Top state trial judges concerns on felony cases:
 1. High rates of recidivism
 2. Need for risk and need assessment tools
 3. Ineffectiveness of traditional probation supervision and other criminal sanctions in reducing recidivism
 4. Restrictions on judicial discretion that limit ability of judges to sentence more fairly
 5. Absence of effective community corrections programs

Quote

Roger Warren: "Evidence-Based Practice to Reduce Recidivism: Implications for State Judiciaries," NIC/CJI; Aug 30, 2007

"There is no responsibility that judges take more seriously than the sentencing of felony offenders. Judges alone are entrusted with the authority and responsibility to sit in judgment over those whose conduct has most seriously threatened the safety of the community. Serious crimes often result in unspeakable injury and loss to the victims and instill fear and insecurity in the entire community. The stakes for the offender and for the offender's family is also high. *Judges are never more mindful of how grave a responsibility it is to act as a single judge on behalf of an entire community than when carrying out their sentencing responsibilities.*"

National Center for State Courts Survey of State Chief Justices (2006)

- Top state trial judges concerns on felony cases:
 1. **High rates of recidivism**
 2. Need for risk and need assessment tools
 3. Ineffectiveness of traditional probation supervision and other criminal sanctions in reducing recidivism
 4. Restrictions on judicial discretion that limit ability of judges to sentence more fairly
 5. Absence of effective community corrections programs

Why are recidivism rates high?

Some of the most commonly cited reasons are:

1. We are focusing on the wrong issues
2. We are giving too much attention to the low risk and too little on the high risk
3. Programs have not applied research knowledge nor are these practices applied with fidelity
4. The system is not in alignment

When you see a slide this color

- It means the content is informational

- It shows how ebp is being applied elsewhere in the country

- It involves an exercise or breakout session

Take the Written Quiz

Why Policy Makers Care About EBP

- Improves outcomes, especially recidivism
- Reduces victimization
- Prevents harm
- Enhances collaboration
- Establishes research-driven decision making
- Targets funding toward the interventions that bring greatest returns

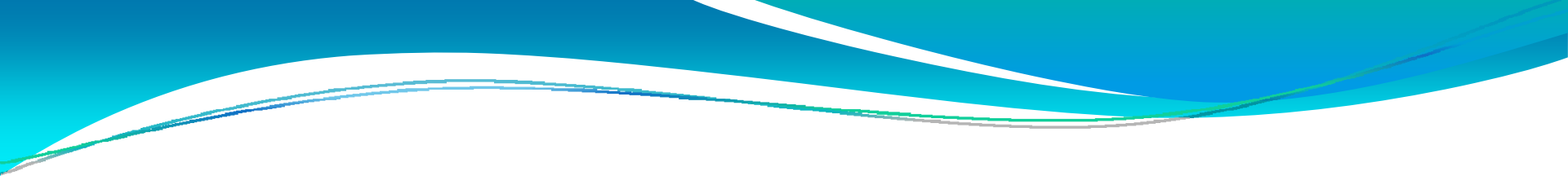
Recidivism impact

- A one percent reduction in parole recidivism saves the state \$7 million in incarceration costs (Georgia)
- A one percent reduction in felony revocation and return to incarceration saves the state \$55 million in incarceration costs alone (Texas)

- Georgia: John Prevost, Georgia parole
- Rylander, Texas Comptroller of Public Accounts, 2000

Crime Prevented Per Million Invested (Rand Corporation)

2002	Felony arrests averted per million \$s spent
Treatment foster care	2160
Multi-systemic therapy	1287
Functional family therapy	1056
BBBS Mentoring	194
Intensive probation	139
BREAKEVEN POINT	92
Perry Preschool	42
California 3 strikes law	16



Review of major concepts around risk, need and responsivity

What Does Work

◆ Features of Effective Interventions:

- Target criminogenic risk and need
- Cognitive/behavioral in nature
- Incorporate social-learning practices
- Balanced integrated approach to sanctions and interventions
- Incorporate the principle of responsivity
- Therapeutic integrity

Mostly does work

Washington State Institute for Public Policy (WSIPP)

- **Cognitive Behavioral treatment**
- **Life Skills Programs**
- **Reasoning and Rehabilitation**
- **Aggression Replacement Training**
- **In-prison therapeutic communities**
- **Cognitive Behavioral sex offender treatment**
- **Adult intensive supervision**
- **Fines for low risk offenders**
- **Job counseling & job search for inmates leaving prison**
- **Multi-disciplinary treatment foster care**
- **Functional Family Therapy**
- **Diversion *with* services**

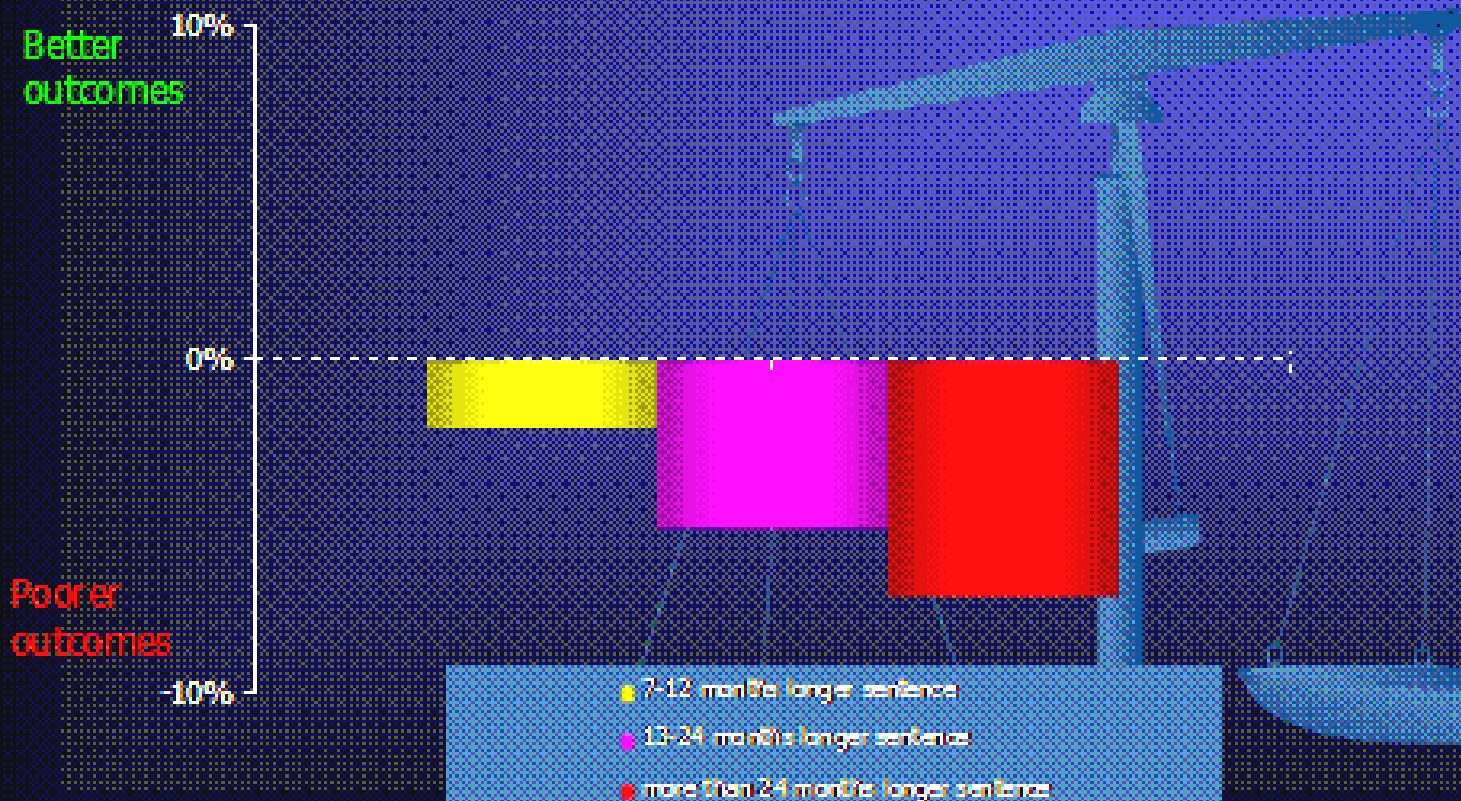
www.wa.gov/wsipp

The Comparative Costs And Benefits of Programs to Reduce Crime, 2001.

What Doesn't Work

- **Direct Deterrence Efforts**
- **Physical challenge programs**
- **Military models of discipline and physical fitness**
- **Intensive supervision without treatment**
- **Non-action oriented group counseling**
- **Inmate-centered, non-directive therapy**
- **Approaches of non-skill education**

Impact of Sentence Length on Recidivism



(Smith, Goggin, & Gendreau, 2002)

Non-Behavioral Approaches

- Drug prevention classes focused on fear and other emotional appeals
- Shaming offenders
- Drug education programs
- Non-directive, client centered approaches
- Bibliotherapy
- Freudian approaches
- Talking cures
- Self-Help programs
- Vague unstructured rehabilitation programs
- Medical model
- Fostering self-regard (self-esteem)
- “Punishing smarter” (boot camps, scared straight, etc.)

Speculation on what AA is not effective for most offenders

EBP/SL requires:	What AA does
Motivation	Not required
Active participation	Not required
Behavioral	None
Respect of person who role models	Unknown
Link to cluster of criminogenic needs	Doesn't

Exercise-Rank the Plates

Identifying the causes of crime

Purpose: To understand the variables linked with criminality and where to focus sentencing conditions

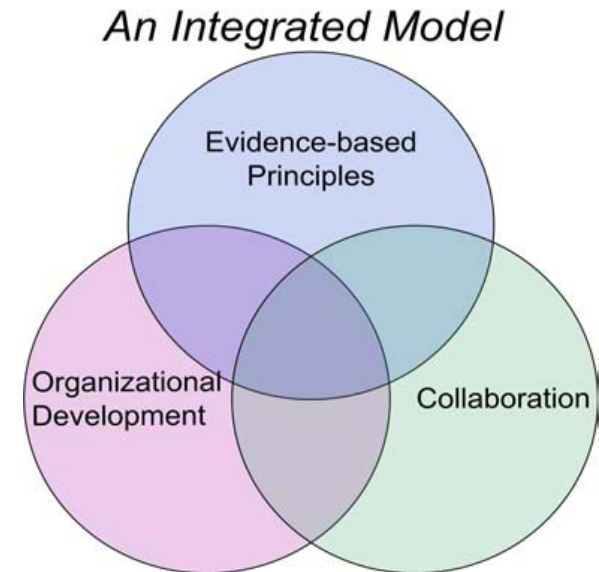
- Instructions:
 - At your table, identify which of the plates are non-criminogenic (5 of them)
 - Of those that are criminogenic (8 of them), identify the top four (most influential) and the lesser four
 - Try to list them from most influential to least
 - DO NOT look at the ppt handout to cheat!!!! We have cameras

National Center for State Courts Survey of State Chief Justices (2006)

- Top state trial judges concerns on felony cases:
 1. High rates of recidivism
 2. **Need for risk and need assessment tools**
 3. Ineffectiveness of traditional probation supervision and other criminal sanctions in reducing recidivism
 4. Restrictions on judicial discretion that limit ability of judges to sentence more fairly
 5. Absence of effective community corrections programs

The 8 EBP Principles

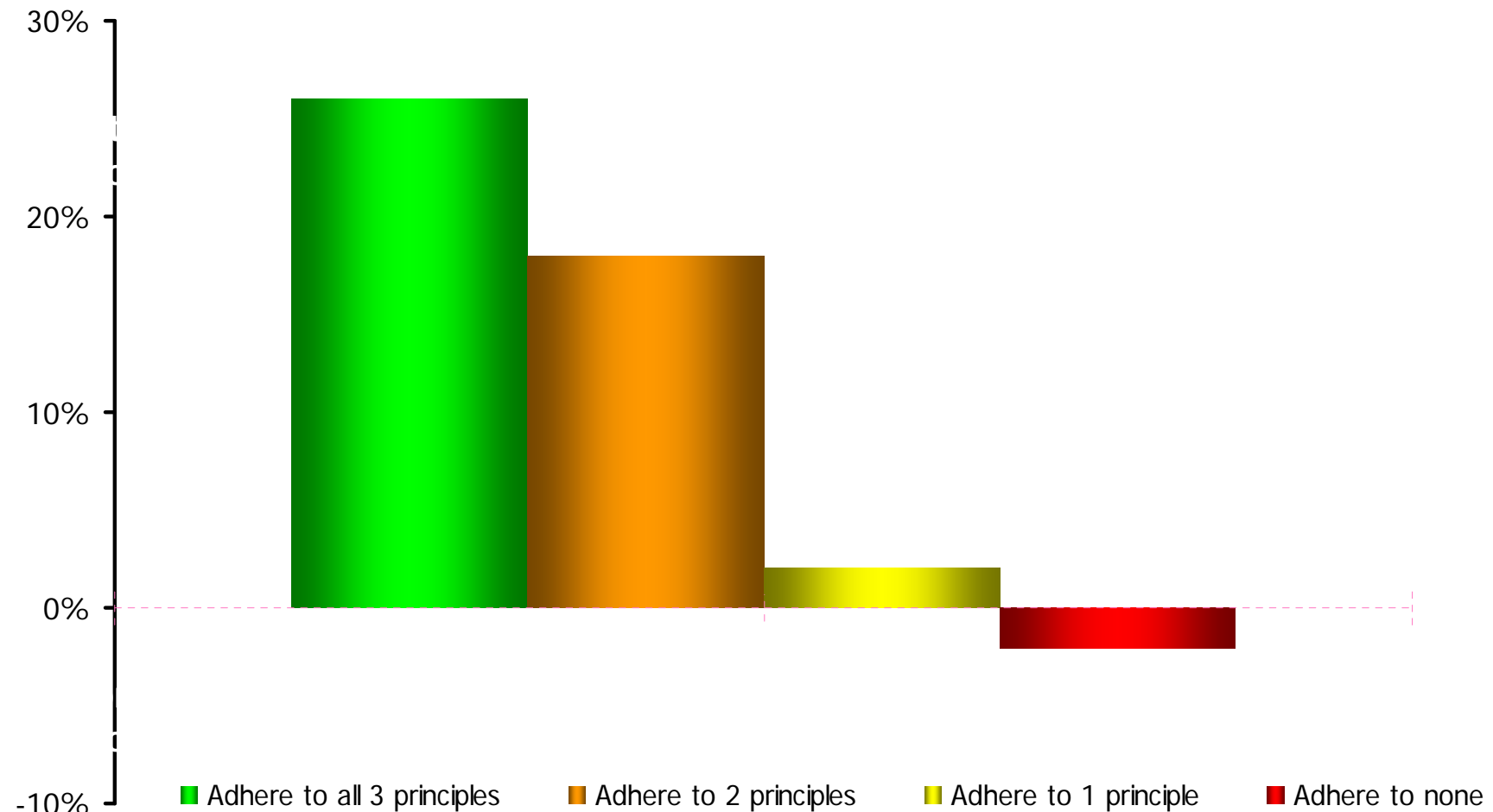
1. Assess risk/need
2. Enhance motivation
3. Target intervention
4. Skill train
5. Positive reinforcement
6. Support in natural communities
7. Measure process
8. Provide feedback



Lessons Learned

- Who you put in a program is important – pay attention to risk
- What you target is important – pay attention to criminogenic needs
- How you target offender for change is important – use behavioral approaches and match to offender type

Impact of Adhering to the Core Principles of Effective Intervention: Risk, Needs, and Responsivity*



Assessment is based on the risk and need principles

- **Risk** is based on likelihood of re-offense
 - Actuarial tools get better results
 - Best if validated on own population
 - Most tools do not distinguish on level of offense
 - Some tools target kind of offense (eg, sex, domestic, DUI)
 - Risk tools do not serve as good institutional classification devices
 - Cost and time are major factors
 - Most need additional tools
 - Eg, Hare, SONAR, SARA, etc.

RESULTS DRIVEN PRACTICE



Professional judgment alone

A diagram consisting of a light purple rectangular box. On the left side of the box, there is a dark teal vertical bar divided into two equal horizontal segments. A red arrow originates from the center of the lower segment and points horizontally to the right, extending about halfway across the width of the purple box.



Use of actuarial tool

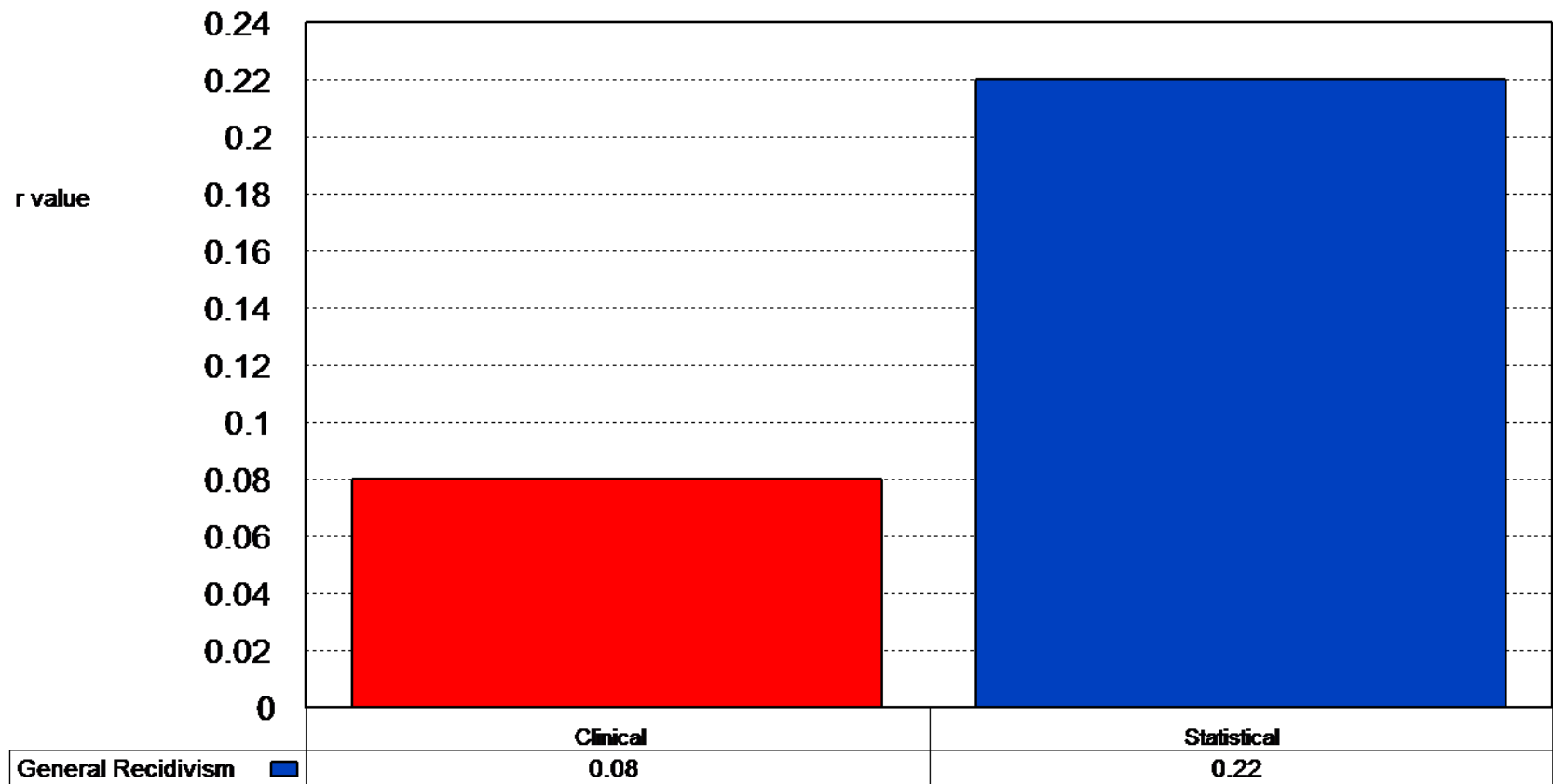
A diagram consisting of a light purple rectangular box. On the left side of the box, there is a dark teal vertical bar divided into two equal horizontal segments. A red arrow originates from the center of the lower segment and points horizontally to the right, extending about three-quarters of the way across the width of the purple box.



Use of actuarial tool with professional judgment

A diagram consisting of a light purple rectangular box. On the left side of the box, there is a dark teal vertical bar divided into two equal horizontal segments. A red arrow originates from the center of the lower segment and points horizontally to the right, extending almost the full width of the purple box.

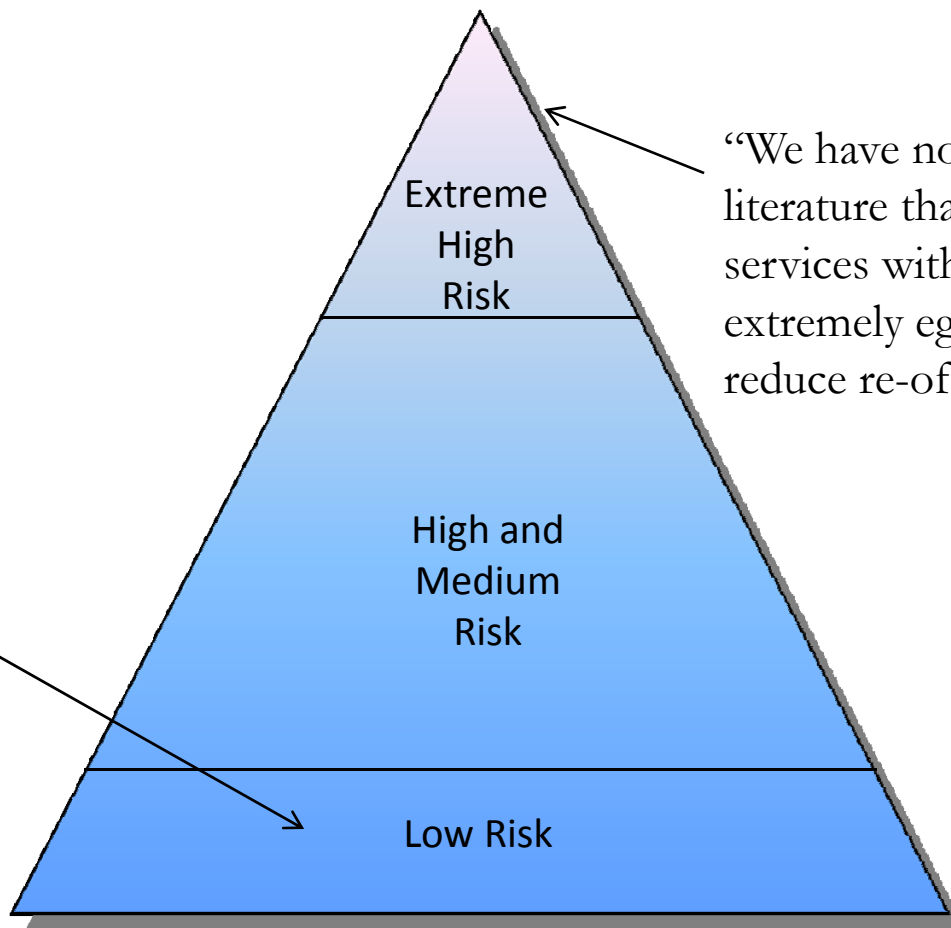
Comparison of Clinical vs. Statistical Prediction of Recidivism



Goggin, C.E. (1994). Clinical versus Actuarial Prediction: A Meta-analysis. Unpublished manuscript. University of New Brunswick, Saint John, New Brunswick.

Supervision resources directed toward low-risk offenders do not reduce their risk of re-offending and may even have a negative effect.

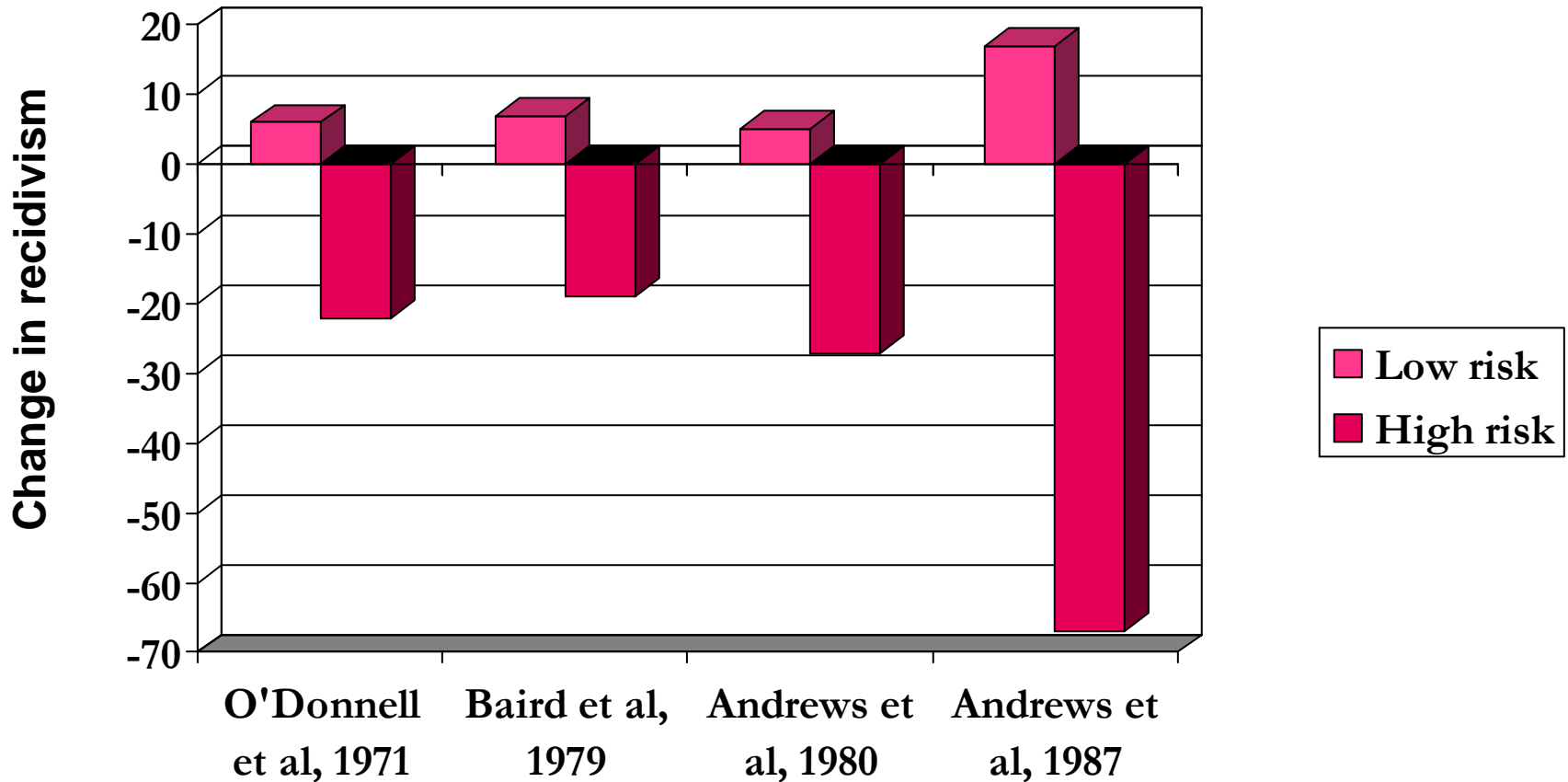
Latessa, E. (2004). Understanding the risk principle: How and why correctional interventions can harm low risk offenders. *Topics in Community Corrections* – 20004.



“We have no evidence in the literature that intensive human services with the highest risk, extremely egocentric, offenders will reduce re-offending.”

Don Andrews, Ph.D.
Summary of the LSI-R.
Training Video Series
Volume I: Theoretical Rationale

What happens when apply intensive treatment to high and low risk populations?



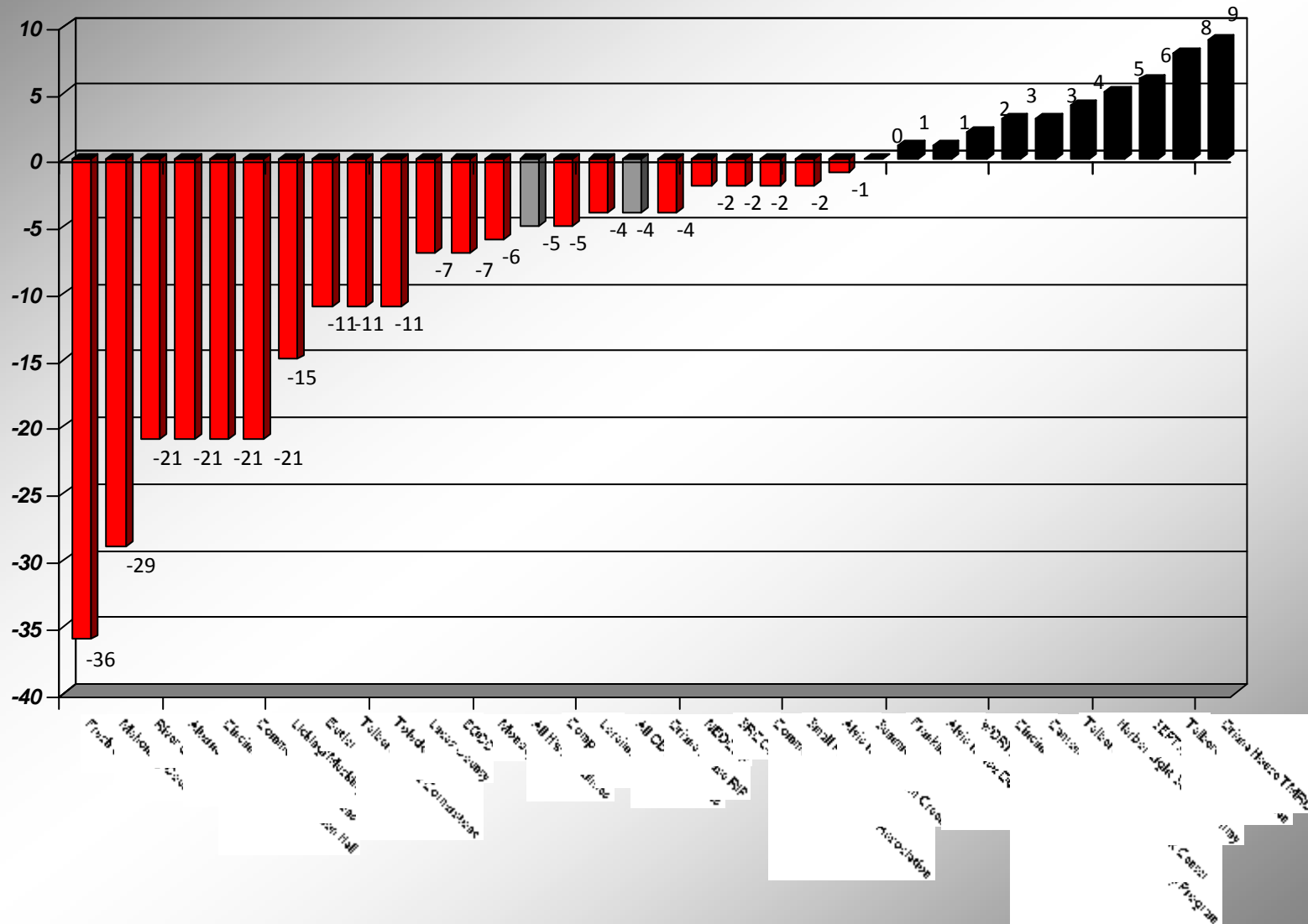
A Balanced Approach

- **Risk Management (low risk)**
 - Involves providing least restrictive, most appropriate sanctions & supervision
- **Risk Reduction (moderate-high risk)**
 - Involves determining criminogenic needs and reducing risk factors through effective intervention & appropriate supervision
- **Risk Control (extreme high risk)**
 - Involves techniques that control risk of reoffending while under correctional authority

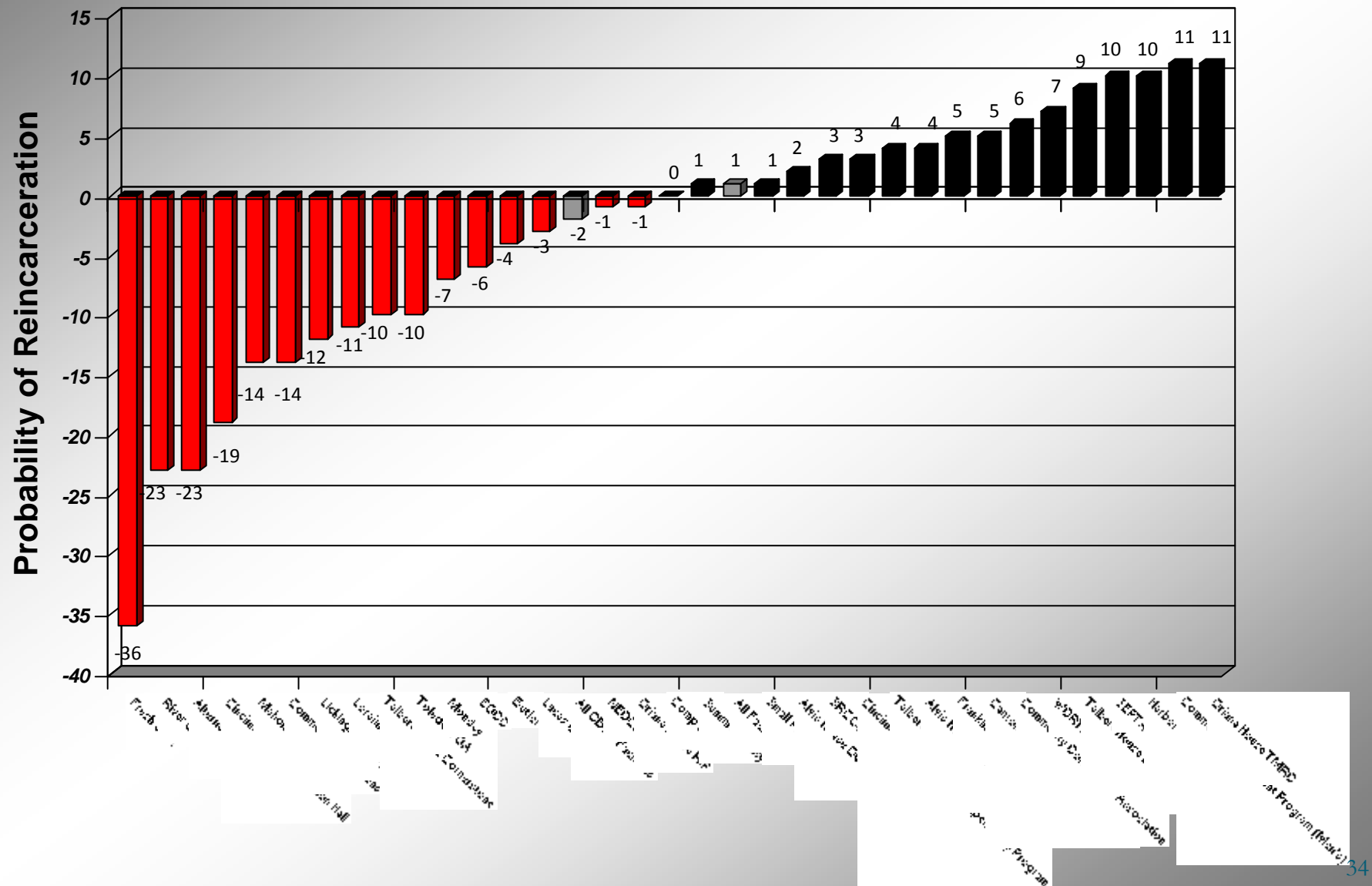
RECENT STUDY OF COMMUNITY CORRECTIONAL PROGRAMS IN OHIO

- **Largest study of community based correctional treatment facilities ever done**
- **Total of 13,221 offenders – 37 Halfway Houses and 15 Community Based Correctional Facilities (CBCFs) were included in the study.**
- **Two-year follow-up conducted on all offenders**
- **Recidivism measures included new arrests & incarceration in a state penal institution**
- **They also examined program characteristics**

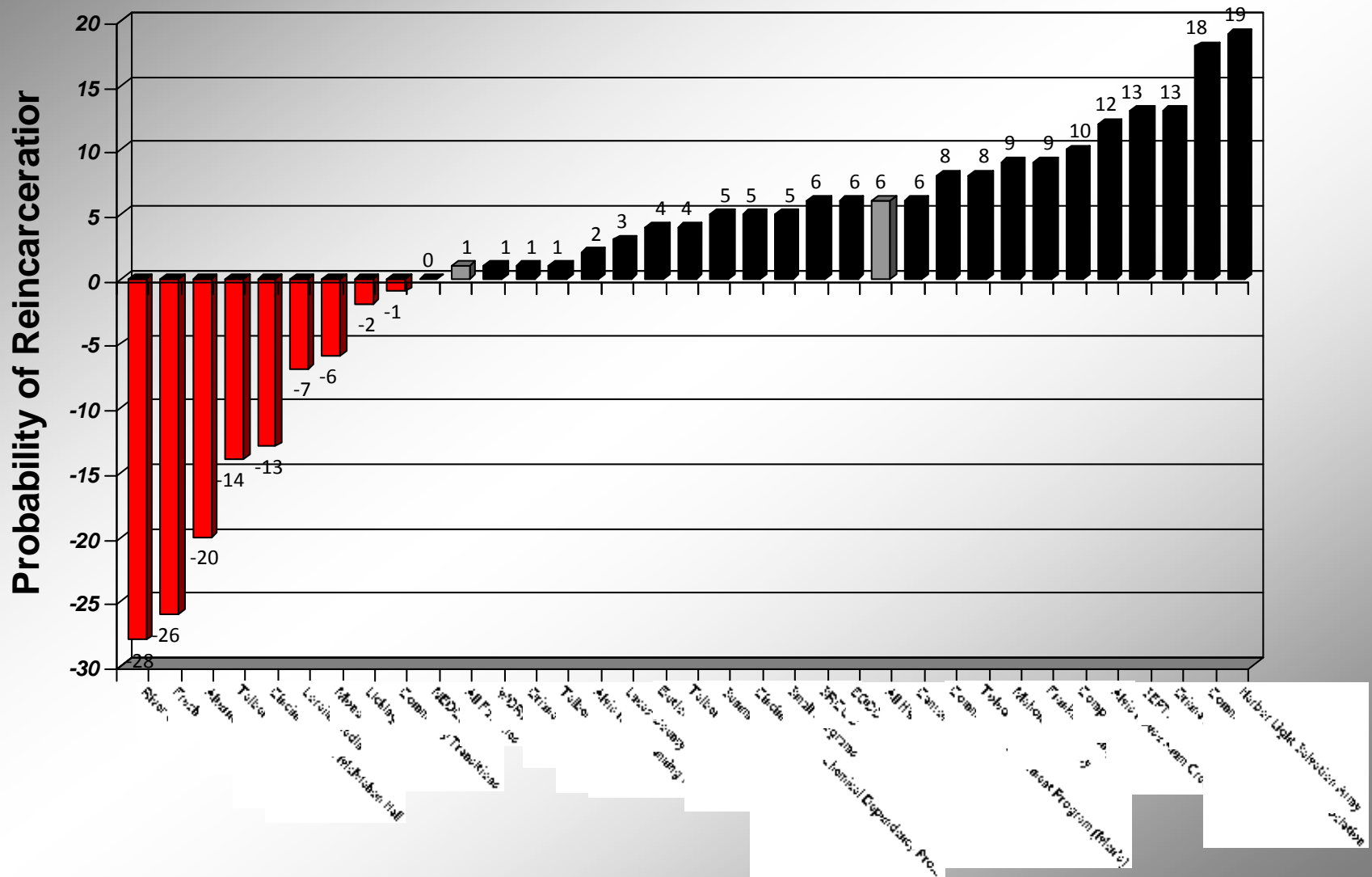
Treatment Effect For Any Incarceration: Low Risk Offenders



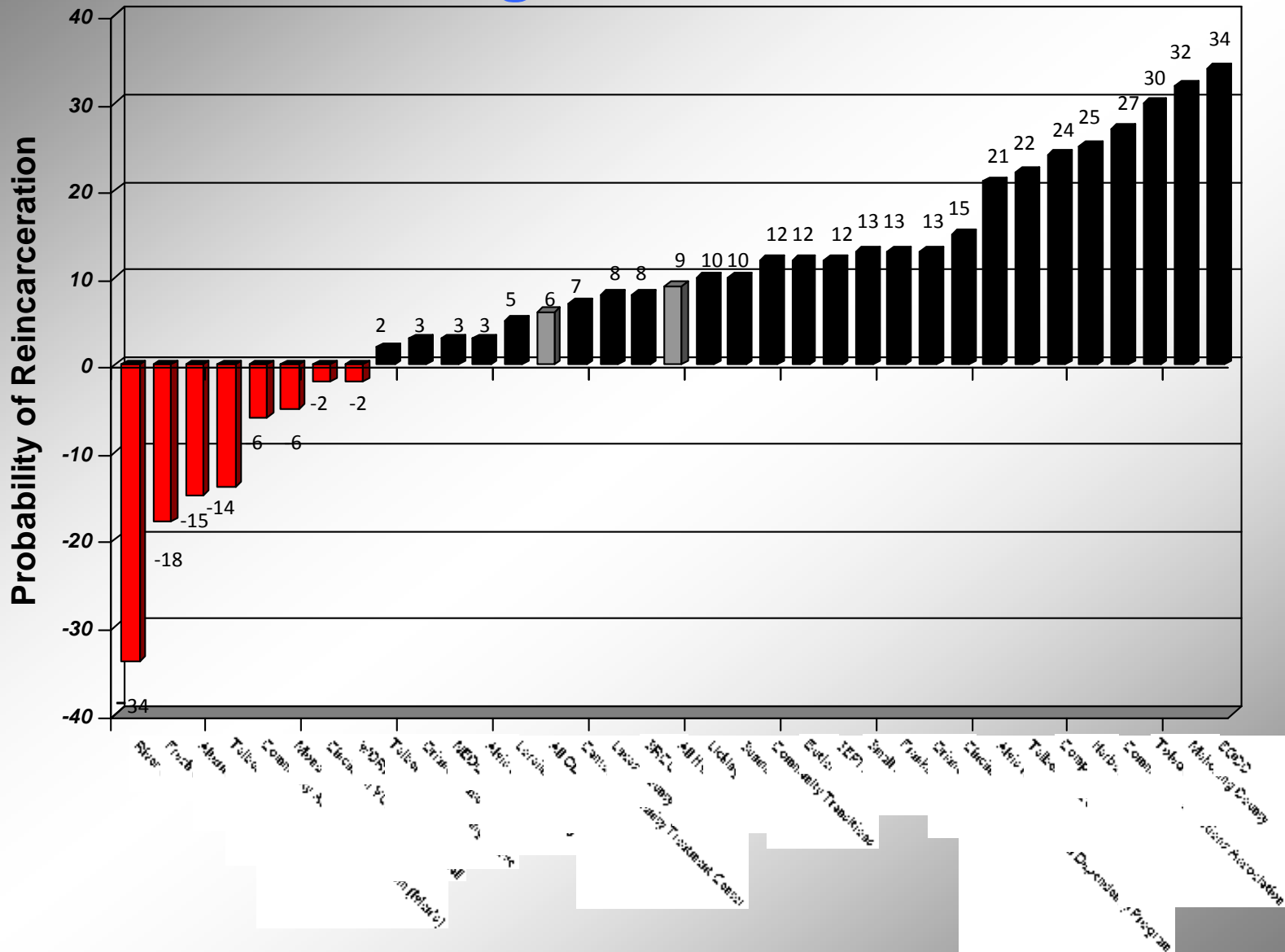
Treatment Effects for Low/Moderate Risk Offenders



Treatment Effects for Moderate Risk Offenders



Treatment Effect For Any Incarceration: High Risk Offenders



EBP: A Judge's perspective

- Understanding the criminal mind and when and why conventional wisdom fails
- Published with Ken Robinson, Ed.D.
- January, 2003

Offender Types

Type

AKA

- NORPS
Normal, Ordinary,
Responsible Person
- SLICKS
Psychopath/Sociopath
- SLUGS
Chronic Loser

Assessment is based on the risk and need principles

- **Need** is based on life and personal conditions
 - Are dynamic as opposed to static
 - Are predictive
 - Provide the ingredients for a case intervention
 - Can be measured over time to determine effectiveness
 - If done correctly, can drive major correctional policy
 - Eg, discharge, release, conditions, admissions

Factors Correlated With Risk

	Mean r	# of studies
Lower class origins	0.06	97
Personal distress/psychopathology	0.08	226
Educational/Vocational achievement	0.12	129
Parental/Family Factors	0.18	334
Temperament/misconduct/personality	0.21	621
Antisocial attitudes/associates	0.22	168

Meta-Analysis of Risk Factors by Simourd

Mean Adjusted r

Risk Factor	Adjusted R	#Studies
Lower social class	.05	38
Personal distress/psychopathy	.07	34
Family structure/parental problems	.07	28
Minor personality variables	.12	18
Poor parent-child relations	.20	82
Personal educational/vocational achievement	.28	68
Temperament/misconduct/self control	.38	90
Antisocial attitudes/associates	.48	106

The Big Four

Criminogenic Need	Response
Anti-social cognition	Reduce anti-social cognition, recognize risking thinking and feelings, adopt an alternative identity
Anti-social companions	Reduce association with criminals, enhance contact with pro-social
Anti-social personality or temperament	Build problem solving, self management, anger management, and coping skills
Family and/or marital	Reduce conflict, build positive relationships and communication, enhance monitoring/supervision

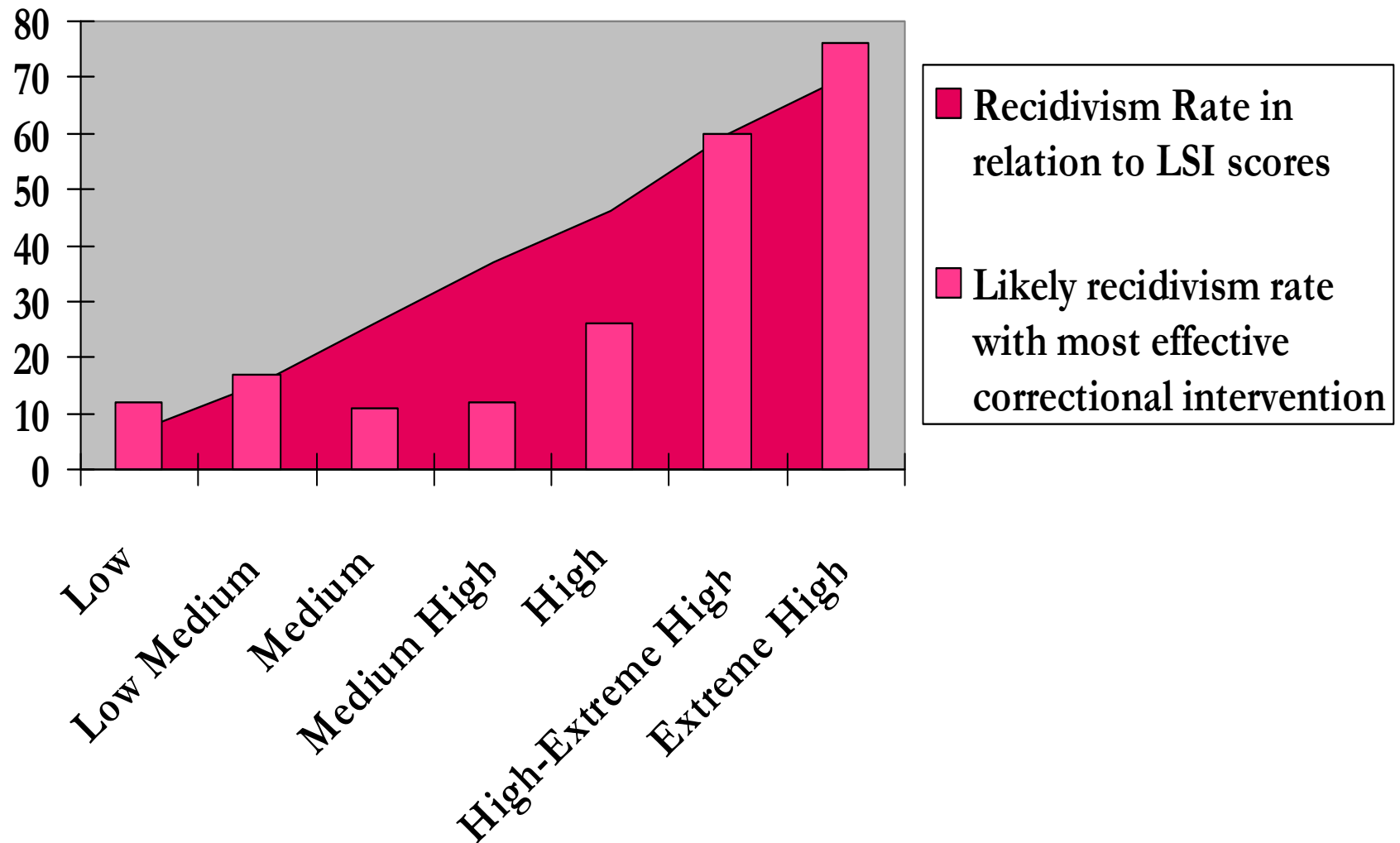
Temperament Examples

- Lack of empathy
- Anger and hostility
- Poor problem solving
- Risk taking
- Impulsive
- Lack of focus
- Narcissistic

The Lesser Four

Criminogenic Need	Response
Substance abuse	Reduce usage, reduce the supports for abuse behavior, enhance alternatives to abuse
Employment	Provide employment seeking and keeping skills
School	Enhance performance rewards and satisfaction
Leisure and/or recreation	Enhance involvement and satisfaction in pro-social activities

Potential Impact on Recidivism



Applying the assessment

- GET OUT OF THE WAY. Intensive treatment for *lower-risk* offenders can actually *increase* recidivism
- LIVE IN THEIR BACK POCKET. Provide most intensive treatment to higher-risk offenders
- ZERO IN. Target those offenders with higher probability of recidivism



How reliable are our decisions?

- **Good decision making relies on a balance between deliberate and instinctive thinking**
- **Frugality matters.**

Eight examples

- Selling jam
- Predicting heart attacks
- Predicting divorce
- Being sued
- Racial bias
- Officer safety
- Height bias
- Physical perception

Example One (Blink)

- Sheena Iyengar (research on speed dating and jam selling)
- Hypothesis: the more choices you give customers means the more likely they will buy because you can find the jam that fits your needs.

Example One (continued)

- Opposite was true.
- 30% of those who stopped to buy one of six jams bought some
- Only 3% of those did when had twenty four jams
- If you give too many choices, you get paralyzed

Example Two (Blink)

- Late 1990's Cook County hospital (patients with chest pains)
- Long waits; use of precious beds; tests were too inconclusive
- Many tests to make sure no mistakes made
- Only 2-8% of time were patient really having a heart attack and was sent home
- Err on safe side by keeping at hospital
- Cardiologist Lee Goldman developed mathematical principles to figure out who was truly having a heart attack (algorithm)
- Three risk factors:
 - is pain felt by the patient unstable angina
 - is there fluid in the patient's lung
 - is the patient's systolic blood pressure below 100?

Example Two (continued)

- For six years no one volunteered to do the research.
- No one wanted to believe that an equation could perform better than a trained physician
- Goldman was 70% better than old method at recognizing heart attacks
- Doctors guessed right on severe cases between 75-89% and algorithm did 95%

Example Two (continued)

- Less is more
- **More information actually can be a disadvantage.**
- You need to know very little but it needs to be the right little
- The role of the other factors is so small in determining the core issues that this extra information is harmful as it confuses the issues

Need Principle

By assessing and targeting criminogenic needs for change, agencies can reduce the probability of recidivism

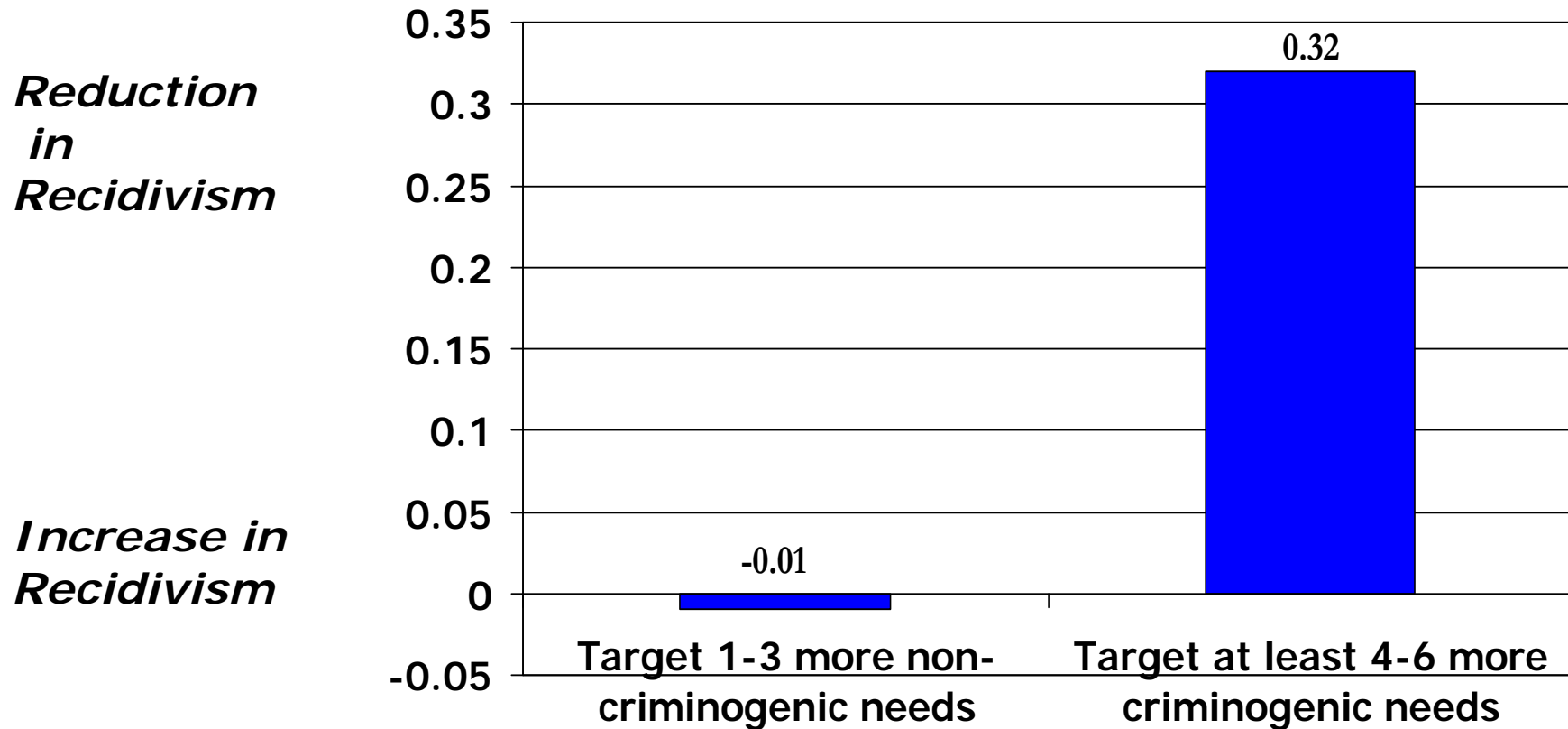
Criminogenic

- Anti social attitudes
- Anti social friends
- Substance abuse
- Lack of empathy
- Impulsive behavior

Non-Criminogenic

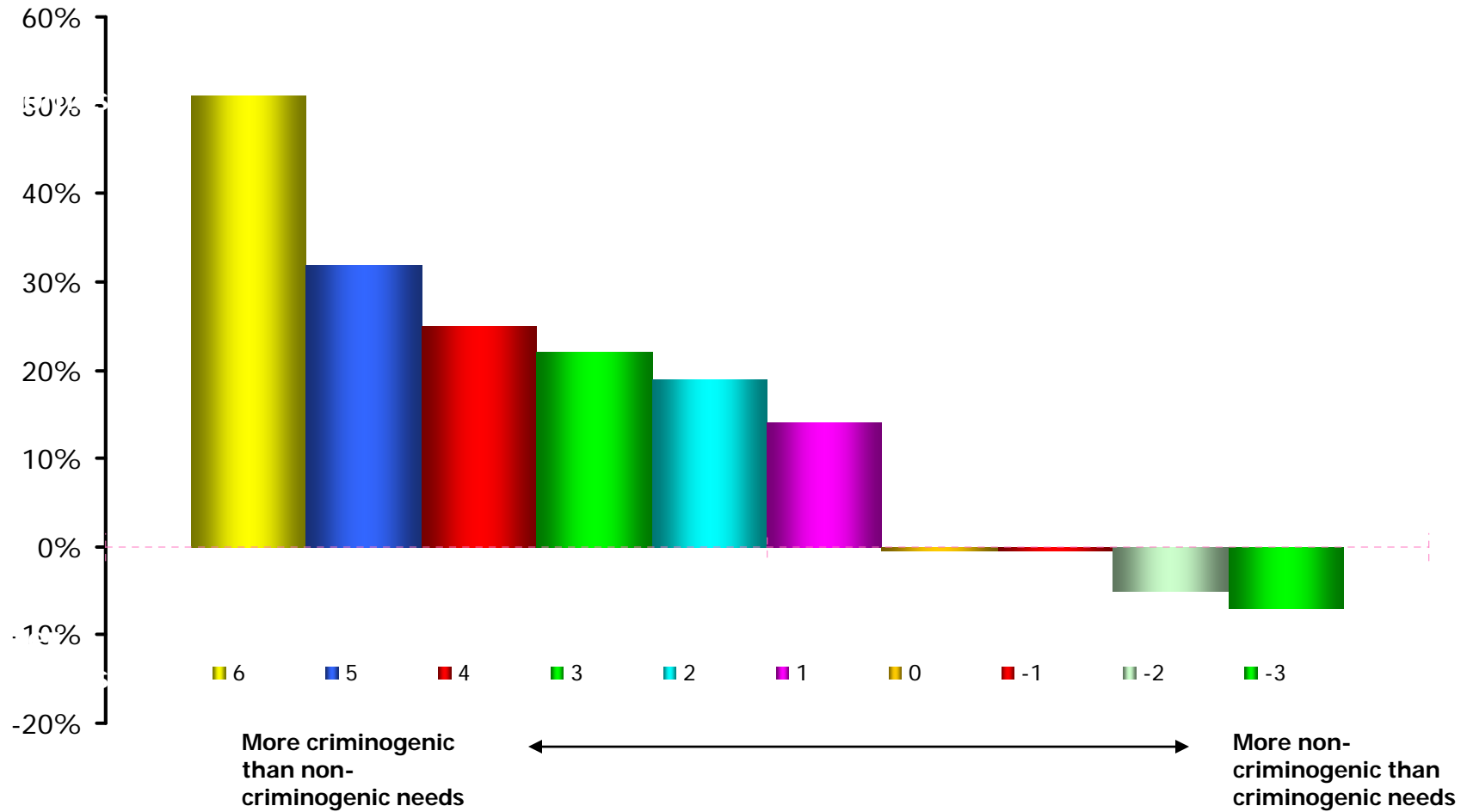
- Anxiety
- Low self esteem
- Creative abilities
- Medical needs
- Physical conditioning

Targeting Criminogenic Need: Results from Meta-Analyses



Source: Gendreau P., French S.A., and A. Taylor (2002). *What Works (What Doesn't Work) Revised 2002* Invited Submission to the International Community Corrections Association Monograph Series Project

Recidivism Reductions as a Function of Targeting Multiple Criminogenic vs. Non-Criminogenic Needs*



(Andrews, Dowden, & Gendreau, 1999; Dowden, 1998)

The Need Principle Seems Straightforward, but...

Look at the basis of programs from around the country

1. Offenders lack creativity
2. Offenders need to get back to nature
3. It worked for me
4. Offenders lack discipline
5. Offenders lack organization skills
6. We just want them to be happy
7. Treat offenders like babies and dress them in diapers
8. Offenders need to have a pet in prison
9. Offenders need acupuncture
10. Offenders need a better diet
11. Offenders need to learn how to put on makeup and dress better
12. Male offenders need to get in touch with their feminine side

The Need Principle Seems Straightforward, but...

Look at “creative sentences” judges are coming up with around the country

1. Yoga
2. Tai Chi
3. Writing “I will not do stupid things” 2500 times
4. Dressing up like victim (in a dress) and being forced to walk around downtown
5. Jogging for an hour for trying to run from police
6. Listening to music or reading
7. Carrying a photograph of the victim in wallet

Source: Ed Latessa

Review

- Answers to the plate (criminogenic needs) exercise

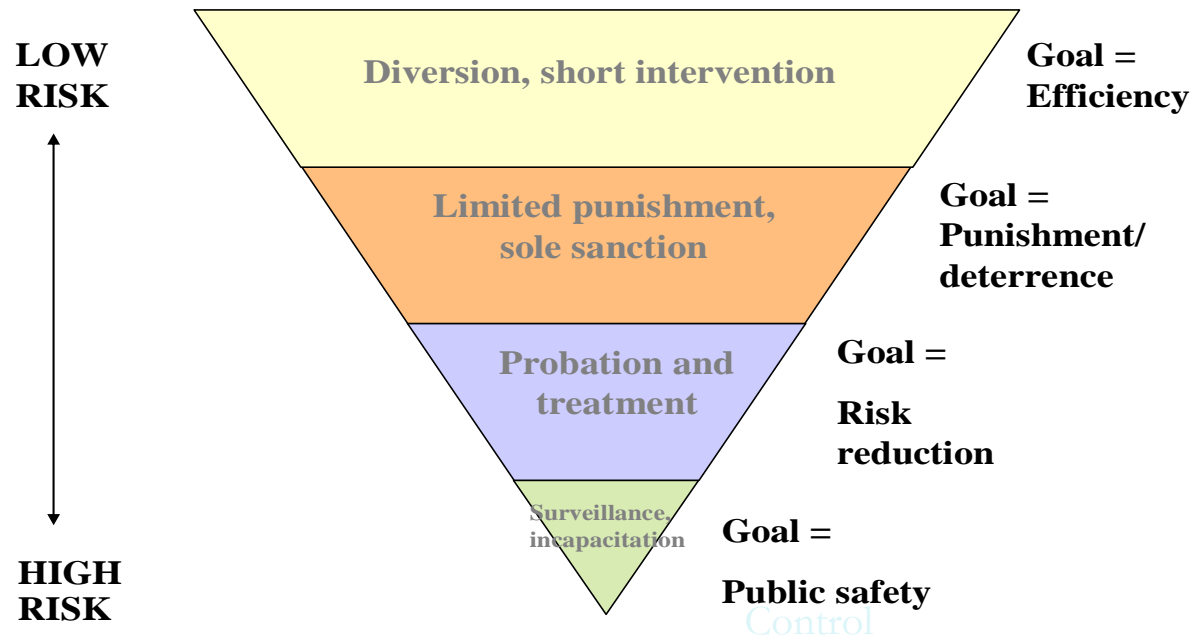
Implications for the Court

Do not:

- Over sanction or treat the low risk offender
- Provide programming for the extreme high risk offender
- Mix risk levels in programs
- Mix gender in treatment programs
- Require probation to spend a lot of time on the low risk offender

From a Sentencing Perspective: Decisions by Risk Level

COMMON PRIMARY GOALS BASED ON THE RISK/NEED PRINCIPLE



Implications for the Court

DO:

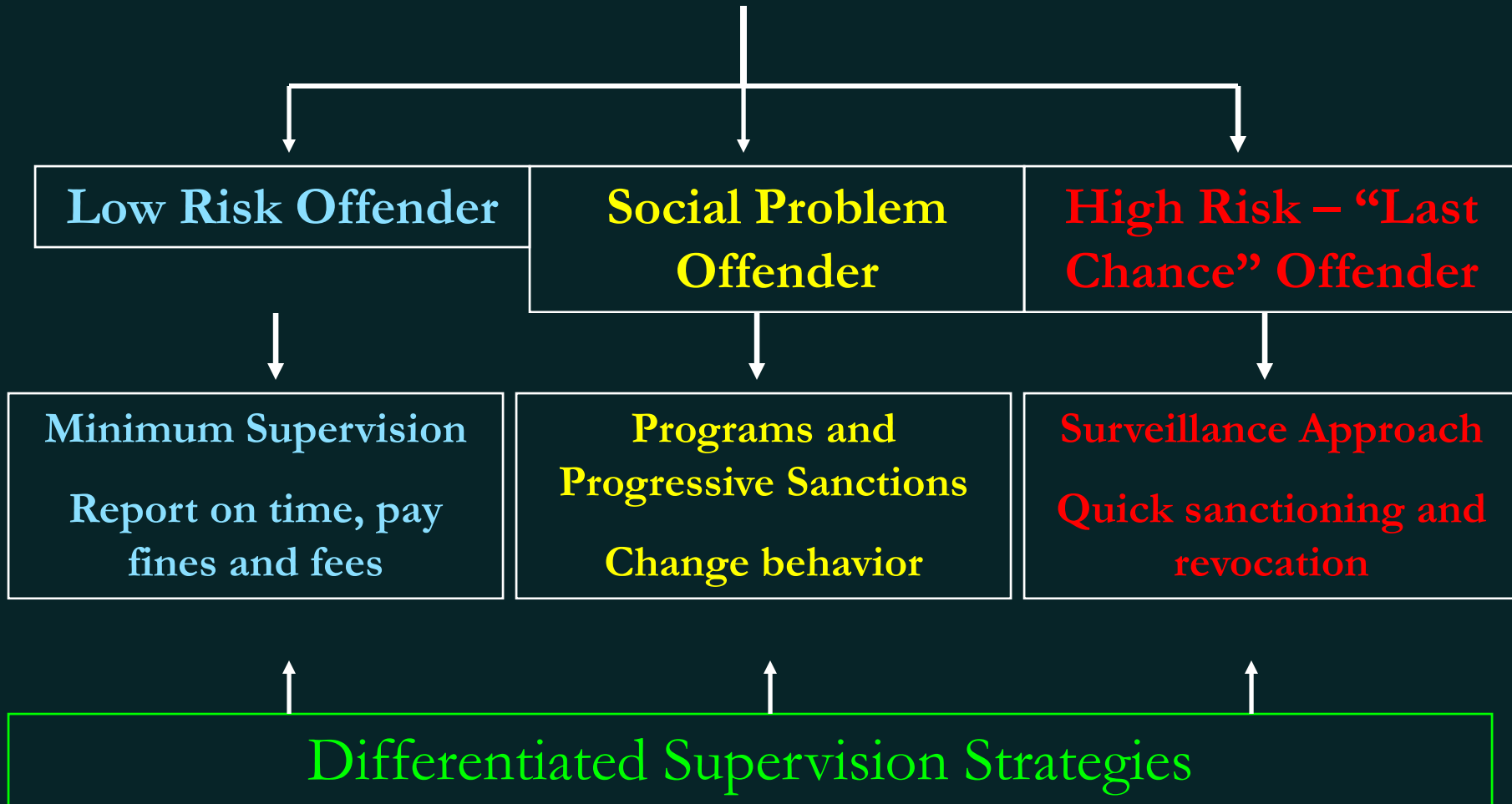
- Expect a risk assessment in probation's reports
- Use the assessment in establishing sentencing conditions and revocations
- Provide leadership in assisting the rest of the system in aligning policy and practice with evidence
- Hold the offender tightly accountable to the interventions around criminogenic needs
- Give probation flexibility as risk and needs are dynamic

Implications for the Court

REMEMBER:

- The risk tool is not everything. It is one factor of many
- Risk is dynamic and assessment information should be used throughout hearings over time using reassessment information

TCIS Model: Travis Co, TX



TCIS Outcomes

Low Risk Offender

Social Problem
Offender

High Risk – “Last
Chance” Offender



Diversion from the system

Reduction in recidivism

Compliance and
revocation

Travis County, Texas

Initial Risk	SCS Score - Classification				
	SIS	SIT	ES	CC	LS
Low					
Medium					
High				XX	

Pre-sentence report wording

- This person has a maximum risk of recidivating and falls into the Casework Control SCS strategy group.
- **CC- High Risk- Offender Characteristics-** chaotic life pattern, limited capability, failure oriented with a negative self-perception
- **Supervision Strategy-** “Casework Control”: Requires intensive/long-term referrals, such as; substance abuse treatment, residential placements, mental health services and/or cognitive behavioral skills training. Will also require frequent collateral vendor contacts to monitor compliance.

How could an assessment help the system?

- Determine suitability for arrest (law enforcement)
- Determine suitability for diversion (prosecutor)
- Level of incapacitation for extreme high risk (judges)
- Level of community based controls (judges and probation)
- The sentencing conditions and treatment (judges and probation)
- Treatment targets (service provider)
- How to handle violations (prosecutor and judge)

Small Group Exercise

Jim-Criminogenic needs and strengths

National Center for State Courts Survey of State Chief Justices (2006)

- Top state trial judges concerns on felony cases:
 1. High rates of recidivism
 2. Need for risk and need assessment tools
 3. **Ineffectiveness of traditional probation supervision and other criminal sanctions in reducing recidivism**
 4. Restrictions on judicial discretion that limit ability of judges to sentence more fairly
 5. Absence of effective community corrections programs

Why has traditional probation been ineffective?

Some of the most commonly cited reasons include:

1. Spending too much time on non-criminogenic needs, monitoring
2. Overwhelmed with court conditions
3. Management expectations and concerns around lawsuits and public pressure (CYA)
4. Lack of knowledge and skills
5. Caseloads too high

Theories to Treatment

Cognitive Theories

What To Change



WHAT
Offenders
Think



HOW
Offenders
Think

Social Learning Theory

How To Change It



Model



Practice

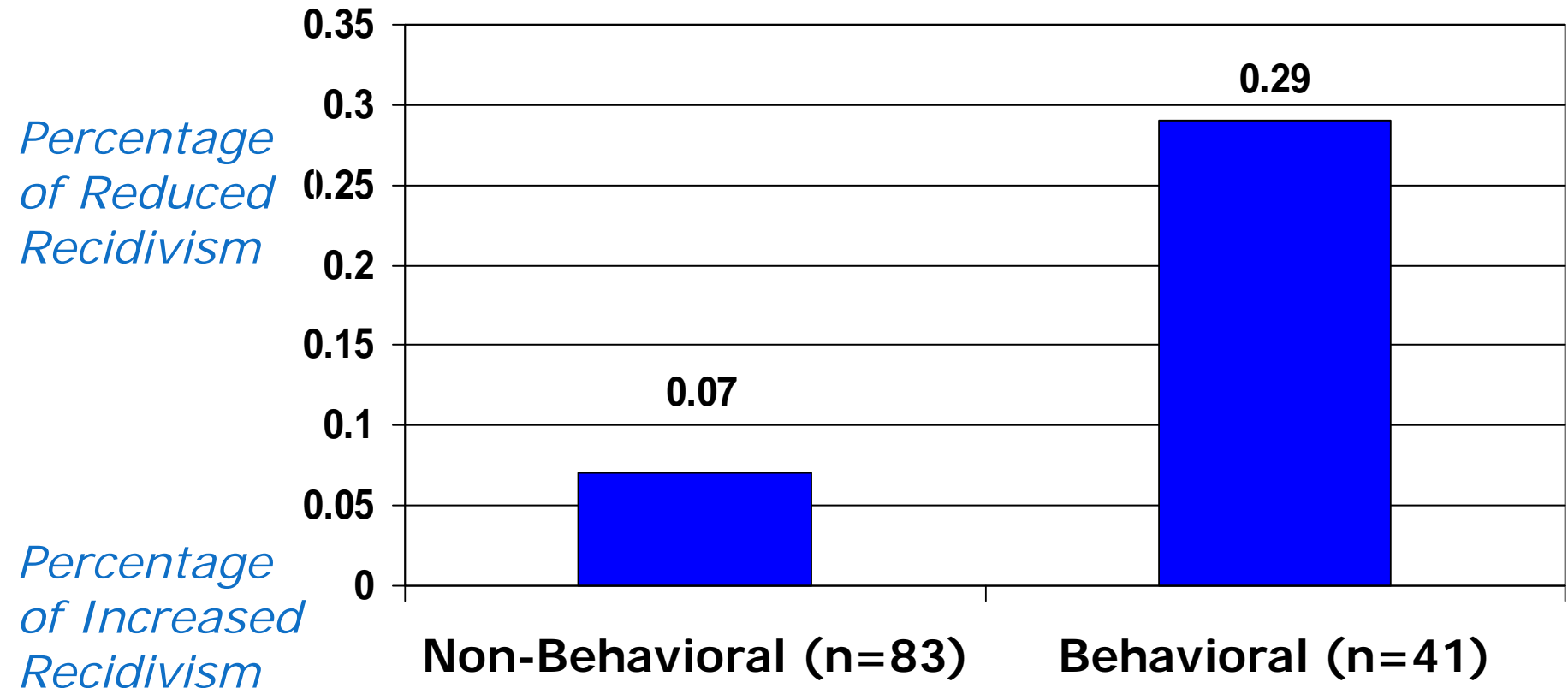


Reward

Social Learning involves....

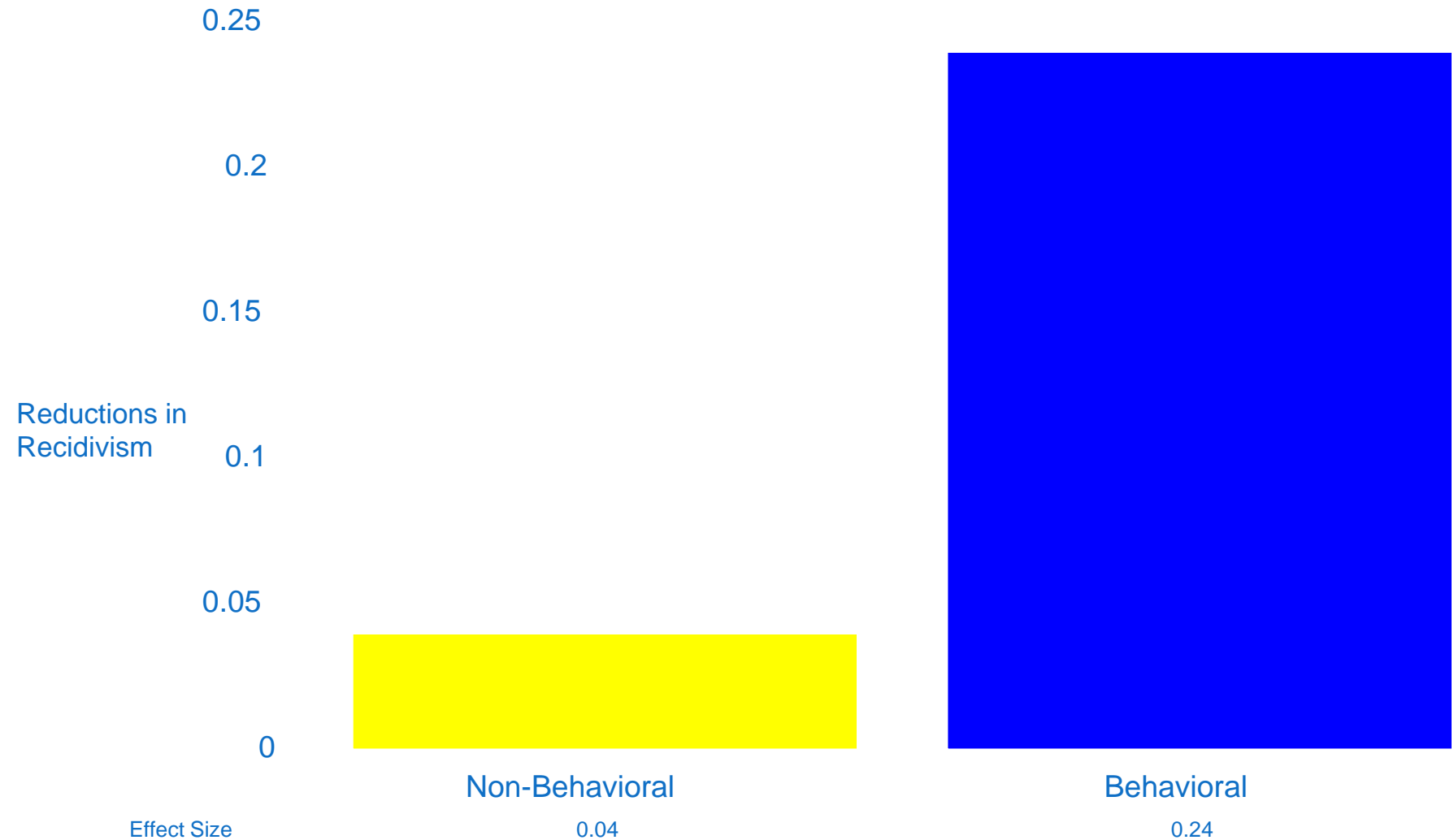
- A role model the individual can relate to
- Direct instruction
- Demonstration
- Role play
- Positive reinforcement
- Feedback
- Skill practice
- Transfer of skill
- Use of sanctions and rewards
- Relapse planning

Behavioral vs. Non-Behavioral



Source: Andrews, D.A. 1994. An Overview of Treatment Effectiveness. Research and Clinical Principles, Department of Psychology, Carleton University.

Type of Treatment and Effect Sizes for Youthful Offenders





Behavioral

- Practice does not make perfect
- It makes permanency

There are virtually no serious competitors for the following when it comes to changing criminal behavior:

Modeling (if you want to get a behavior going, demonstrate it)

Reinforcement (if you want to keep a behavior going, reward it)

Role-Playing (set up opportunities for practice with corrective feedback)

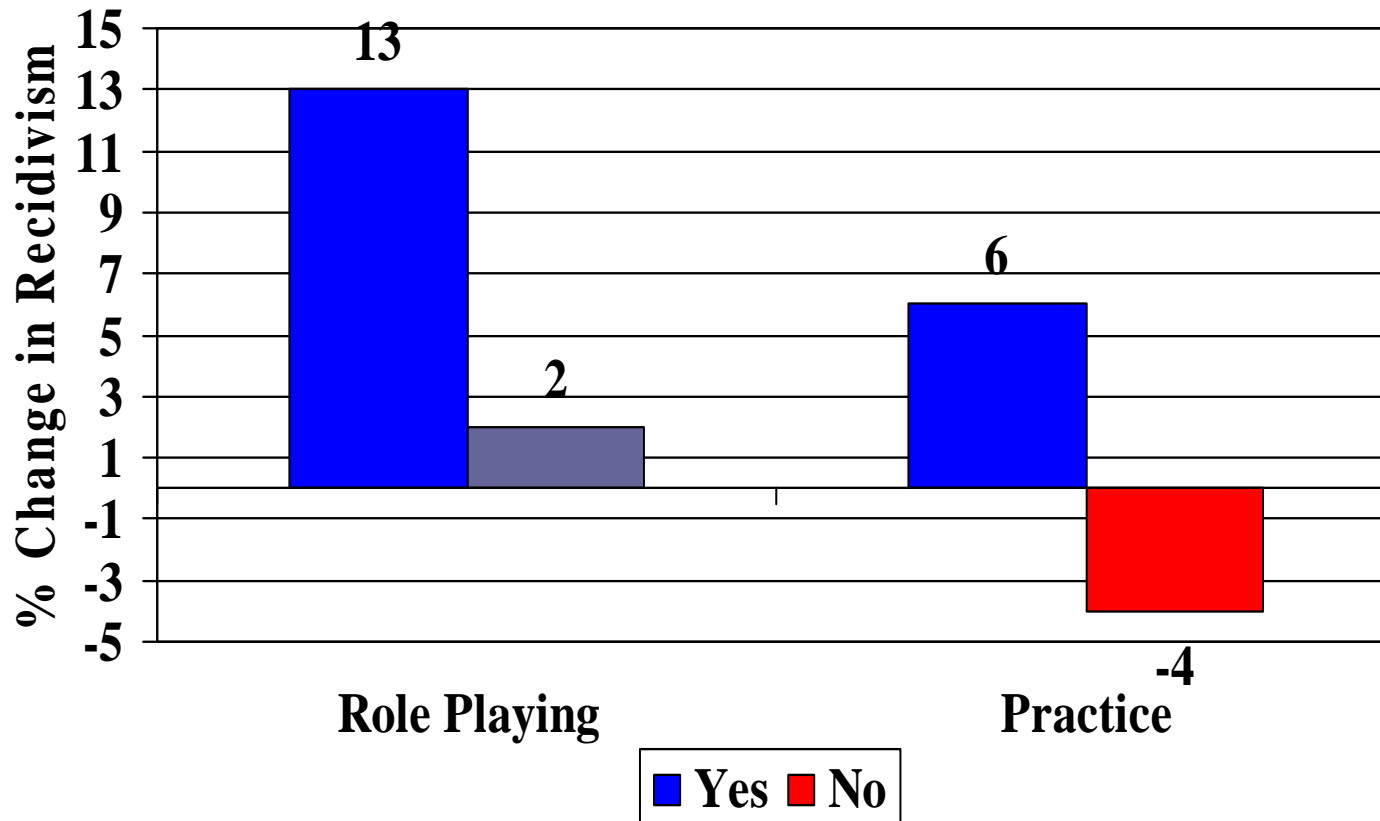
Graduated Practice (some behaviors actually constitute a complex skill that may best be broken down and practiced in smaller steps)

Extinction (assuring that antisocial styles of thinking, feeling and acting are not inadvertently rewarded)

Cognitive Restructuring (pay attention to risky content of thought and assist in trying out less risky thoughts)

The Psychology of Criminal Conduct, 1998
Andrews, D., Bonta, J., p. 270

Why practice? Relationship between Treatment Activities and Treatment Effect for Residential Programs



Source: Ed Latessa

Five dimensions of successful ebp staff

- “The Importance of Staff Practice in Delivering Effective Correctional Treatment: A Meta-Analytic Review of Core Correctional Practice”

Craig Dowden and D.A.Andrews

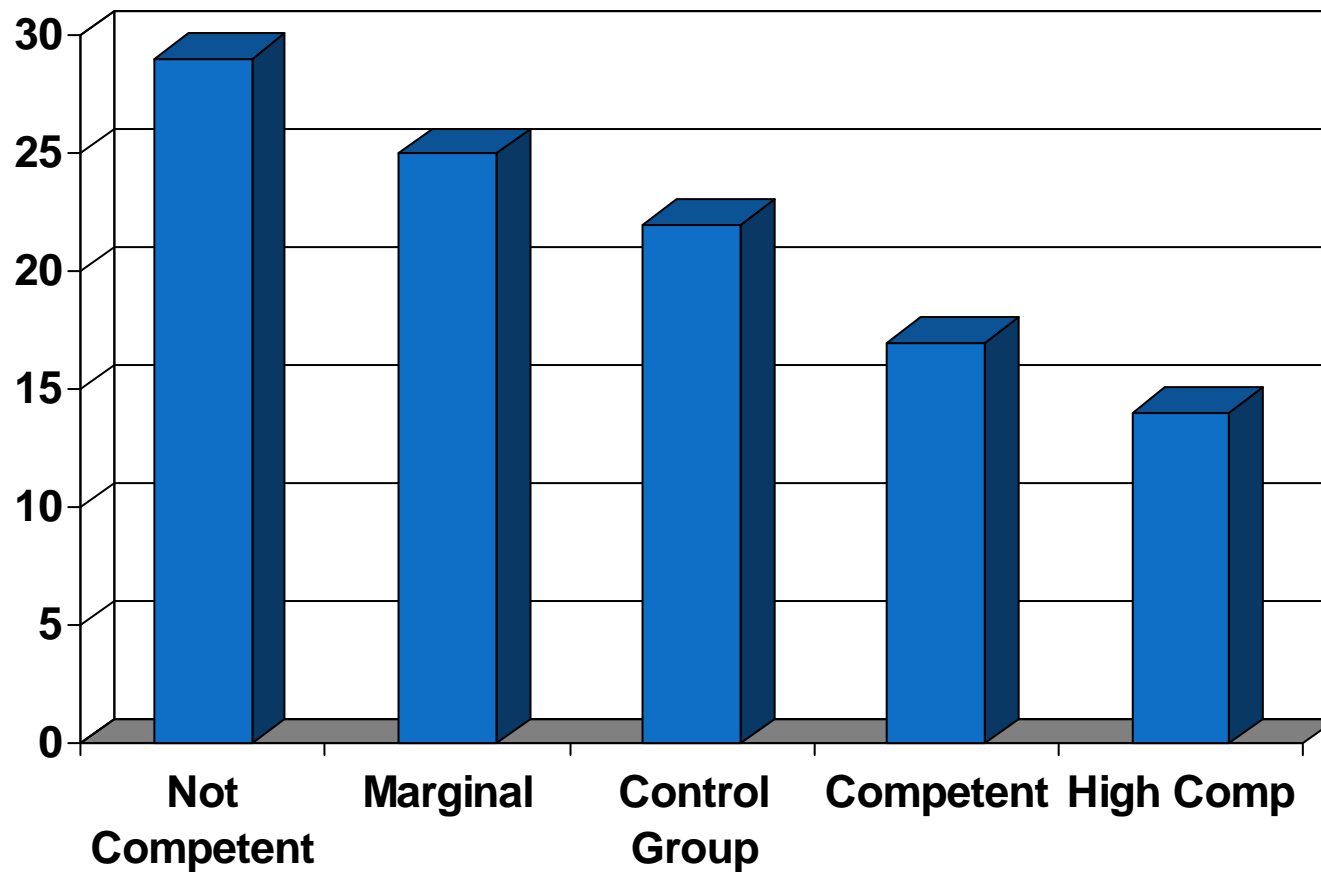
Five dimensions of successful ebp staff

1. Effective use of authority	<ul style="list-style-type: none">■ Firm but fair■ Make rules clear, visible, understandable■ Compliance through positive reinforcement■ Keep focus of message on behavior, not person■ Use of normal voice■ Gave choices with consequences■ Guide offender toward compliance
2. Modeling and Reinforcing prosocial attitudes	<ul style="list-style-type: none">■ Positive/negative reinforcement■ Model and rehearse pro-social behavior in concrete and vivid way■ Immediate feedback on why behavior was approved/disapproved■ Offender encouraged to think about why certain behavior was desirable■ Role playing with increasing difficult scenarios

Five dimensions of successful ebp staff

3. Teaching concrete problem solving skills	<ul style="list-style-type: none">■ Engage offender in resolving issues that reduce satisfaction and rewards for non-criminal pursuits■ Help offender develop a plan, clarify goals, generate options/alternatives, evaluate options
4. Advocacy// Brokerage of community resource	<ul style="list-style-type: none">■ Arrange the most appropriate correctional service■ Speaking on behalf of client at home, school, work or other
5. Relationship factors	<ul style="list-style-type: none">■ Open, warm, genuine, and enthusiastic communication■ Self confident■ Empathetic■ Flexible■ Mutual respect and liking■ Directive, solution focused, structured, non-blaming, contingency based communication

Therapist Traits and Recidivism Rates



Source: Washington State Institute for Public Policy, 2004
Outcome Evaluation of Washington State's Research-Based Programs for Juvenile Offenders

For Most People....

- *Attention is like sunshine to us.*
- *What we give our attention to, grows.*
- *What we ignore, withers*



Key components of Positive Reinforcement

- **Noticing (most of us don't notice behavior unless it is negative)**
- **Praise progress, any progress**
- **The more attention you pay to a behavior, the more it will be repeated**



A Closer Examination of.....

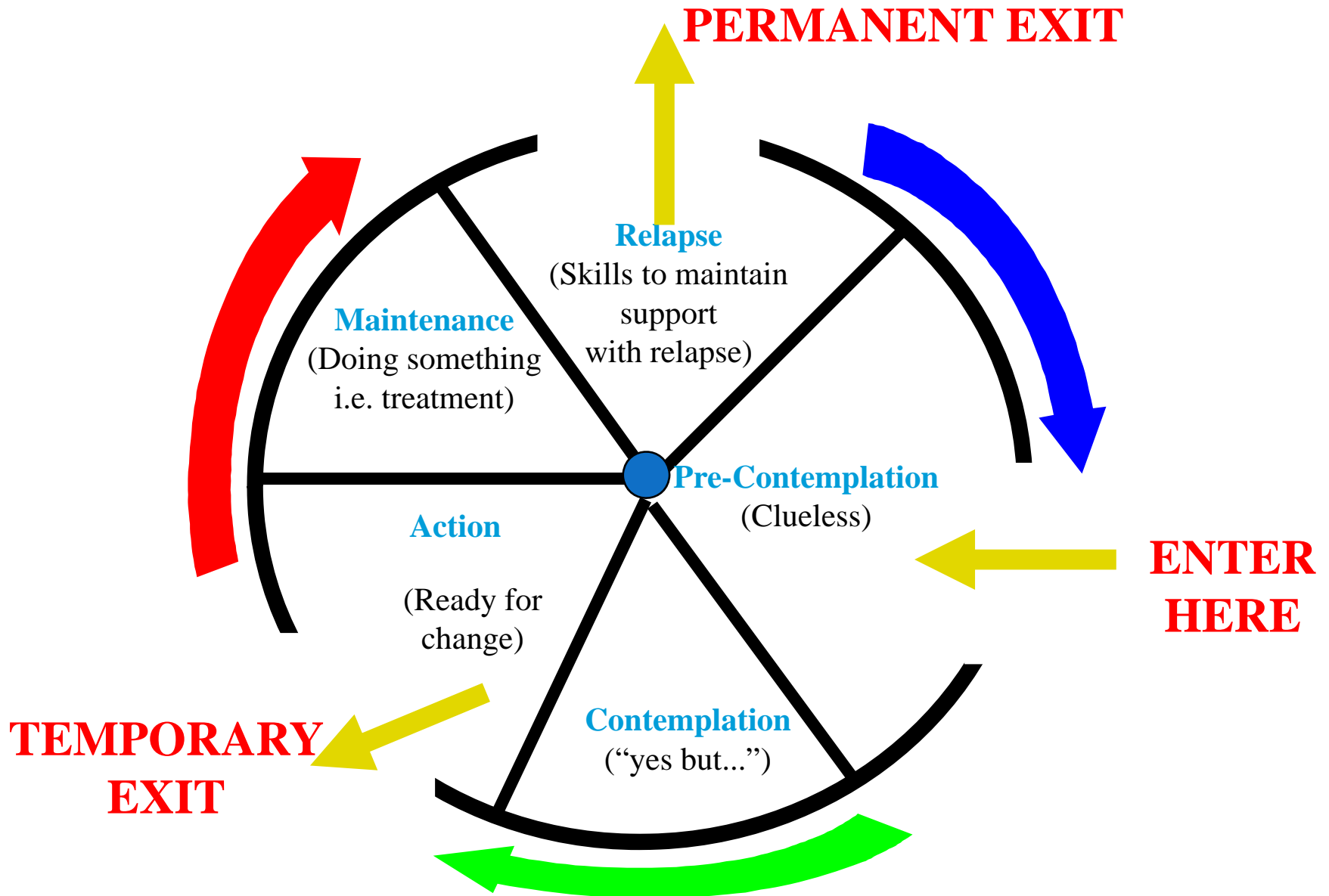
- **Motivation and its role in outcomes**

Motivational Interviewing

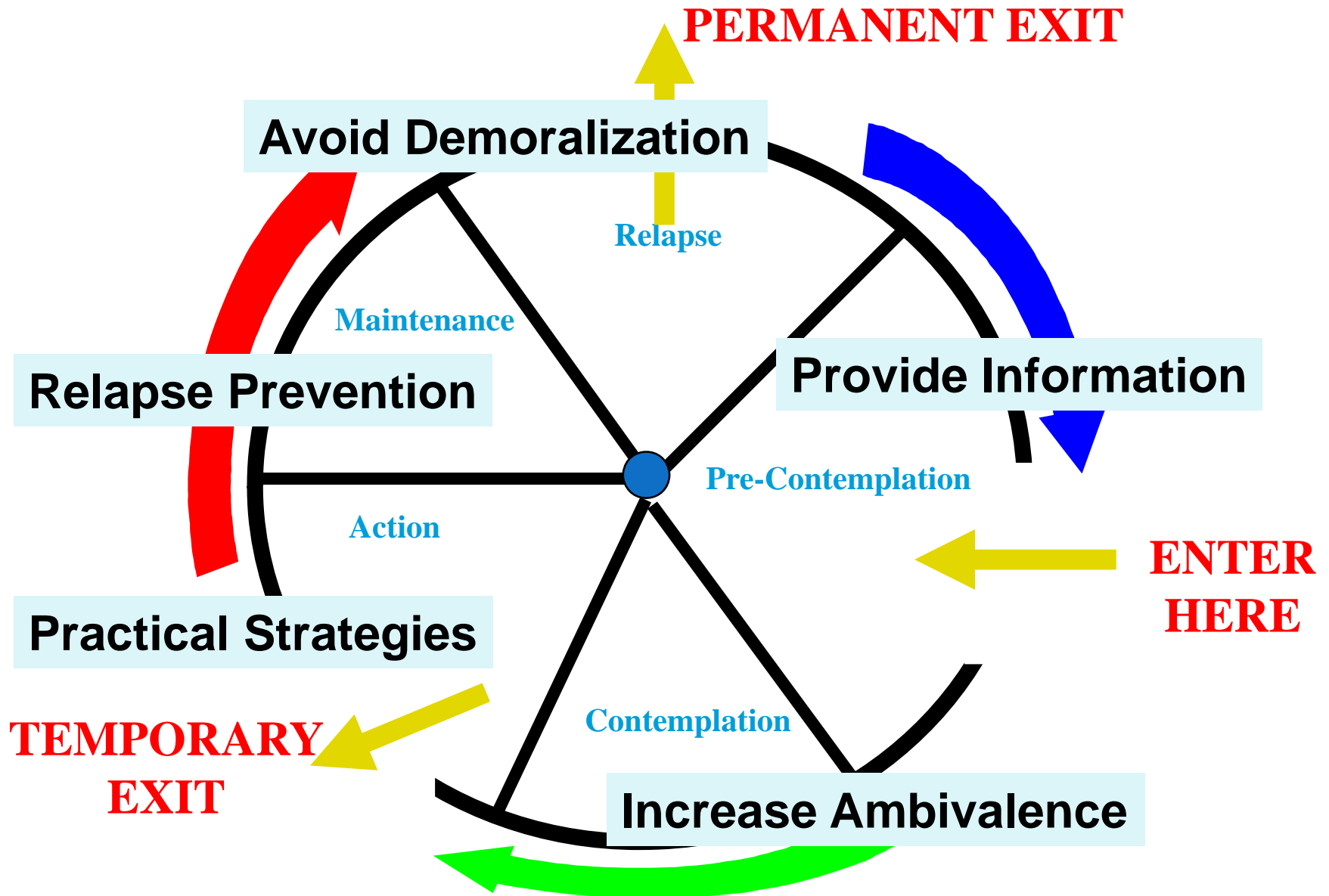
- Engages the offender into his/her own plan
- Uses offender strengths
- Uses offender own motivation/goals
- Requires techniques to draw this out
 - Positive versus critical comments
 - Less confrontational
 - Deflects defensive/resistive exchanges

(Often associated with the Stages of Change model)

Stages of Change



Response to stages



Positive Reinforcements	Reward
Presenting something perceived as pleasant in response to a desired behavior to increase that behavior	A positive consequence given for a desired behavior
Seek a 4:1 ratio of positive versus negative reinforcers	
Apply them frequently for optimal learning	
Do not have to apply them consistently; can be tapered off over time	
Don't use positive reinforcement in such a way as to undermine the use of immediate and certain responses to violations	

Negative Reinforcements	Punishment
The removal of a negative consequence in response to a desired behavior in order to increase that behavior	A negative consequence given in a response to an undesired behavior in order to discourage that behavior
Apply the principles of immediate and certain response	
The negative reinforcement does not need to be severe	
The negative reinforcement should be based on the offender's perception of what is negative, not ours	
Jail sentences for minor violations should be brief (optimally 3-7 days depending on the individual)	

Using Motivational Interviewing from the Bench

- Goal should be gain offender compliance and internal motivation to abide by conditions and change future behavior
- External controls only work while the pressure is applied
- Want to have offender make a public statement of compliance in front of family and friends
- Want to avoid conditions where offender who enters treatment under coercion just going through the motions

Using Motivational Interviewing from the Bench (continued)

- What works from the bench?
 - Using interpersonal relationships
 - Using more positive than negative reinforcers
 - Not ignoring non-compliance
 - Avoiding lecturing, arguing, and blaming
 - Use MI techniques of expressing empathy, develop discrepancy (between stated goals and behavior), avoiding arguments, rolling with resistance, and supporting self efficacy (giving choices)



Procedural Justice

- Better results when the offender
 - Views the court process as fair
 - Is treated with respect
 - Views bench as caring
 - Possesses trust of the decision maker motives

Revocations: research concepts/findings

Faye Taxman, Ph.D.

Concept	Rationale	Research
Certainty	Increased certainty deters future deviance	Grasmack& Bryjak, 1980; Nichols & Ross, 1990; Paternoster, 1989
Celerity	Reduced violations when reduce time delay	Rhine, 1993
Consistency	Similar decisions increase compliance	Paternoster, Brame, Bachman, & Sherman, 1997
Parsimony	No punishment that is more intrusive than necessary	Tonry, 1996
Proportionality	Commensurate with severity of behavior	Von Hirsch, 1993
Progressiveness	Continued violations increase response	Altschuler & Armstrong, 1994
Neutrality	Responses viewed as impartial and logical	Burke, 1997

Social learning link with court

A role model the individual can relate to	Be aware that offender is observing, role model how want offender to act
Demonstration, transfer of skills, role play, direct instruction, skill practice	Use programs that emphasize these techniques
Positive reinforcement and feedback	Find ways to encourage, give feedback, incentivize
Use of sanctions and rewards	Individualize the sanction while being fair/consistent
Relapse planning	Anticipate and expect relapse; built in tolerance

What is?

- **An appropriate caseload/workload size under ebp?**
- **Use of differential supervision caseloads**

Maximum Caseload Sizes Under EBP

Source: American Probation and Parole Association

	Minimum Risk	High to Medium Risk	Extreme High Risk
Adult	500-1,000	65-75	15-25
Juvenile	200-400	35-45	10-15

Example: Cook County

	Low	Low-Med	Med	High	Max
Supervision Standards	Report by mail; in person every 3 months	Rotate monthly reporting: one in person and one by mail	Monthly in person; field visit 6 mos, attend life skills	2X in person/mo, field visit 3 mos, cog beh, life skills	Weekly in person, field visits 2 mos, increase all per need
Expectations	Monitor court conditions	Monitor court conditions	Case plan with criminogenic needs, MI, life skills	Case plan with criminogenic needs, MI, cog and life skills	Surveillance
% of cases	21%	23%	33%	19%	3%*
Caseload Size	480	240	80	40	40
* Many max cases diverted to IPS program					

Implications for the Court

Do not:

- Lecture (the offender will not hear it if they are in a different stage of change)

Implications for the Court

DO:

- Use positive reinforcement more than negative
- Don't let anti-social actions go unchecked
- Find ways to praise progress, even minor movement
- Recognize your influence as a role model (even subtle cues such as body language, eye contact, tone, choice of words)
- Use motivational interviewing techniques

From an Engagement Perspective The Courts Play a Tremendous Role

- **Psychiatrists who are enthusiastic about the effectiveness of a prescribed course of treatment and communicate this to client obtain significantly higher success rates (77% compared to 10%)**
- **Drug Court Study/Training Program**

Exercise-WWUD

What Would You Do-Bench Protocols

- Instructions:
 - See handbooks for instructions
 - Review the three scenarios and pick two of the best responses

Exercise-To Tell the Truth

Do you know what your probation department is doing with ebp?

- Instructions:
 - Review the document “The Thirteen Questions the Court should Ask their Chief PO”
 - Score the results
 - Determine where your probation agency falls
 - Use the scoring sheet on page 16 of the exercise handbook

National Center for State Courts Survey of State Chief Justices (2006)

- Top state trial judges concerns on felony cases:
 1. High rates of recidivism
 2. Need for risk and need assessment tools
 3. Ineffectiveness of traditional probation supervision and other criminal sanctions in reducing recidivism
 4. **Restrictions on judicial discretion that limit ability of judges to sentence more fairly**
 5. Absence of effective community corrections programs

Responsivity

Reminder:

- Average recidivism reduction/gain
 - Inappropriate treatment **-.06**
 - Unspecified treatment **.13**
 - Appropriate treatment **.30**

Responsivity Principle

- Styles & modes of service must be matched to the learning styles & abilities of the offender
 - ✓ Matching the characteristics of the individual offender to the intervention (treatment, program, supervision);
AND
 - ✓ Matching the personnel delivering the service to the population

Three Kinds of Responsvity

- Offender character traits
- Traits of the individual working with the offender
- The program components

Responsivity Principle

- **Offender Characteristics:**

- **Motivation**
- **Learning Style**
- **Gender**
- **Age**
- **Culture**

- **Other considerations:**

- **Anxiety**
- **Depression**
- **Mental Illness**
- **Intelligence**

Exercise

Lydia-Responsivity

To be effective, Judges need:

1. Discretion on sentencing (less hamstrung by tight plea negotiation conditions if those pleas contain conditions that are not in alignment with ebp)
2. To avoid a one size fits all approach (it is about the offender not so much the offense)
3. Ways to depart from mandatory sentencing laws (that restrict the responsivity principle)

Exercise-Keys to Pleas

Dealing with Plea Negotiations

- Instructions:
 - Imagine that you receive a plea negotiation that appears to be misaligned with evidence based research
 - From the list provided in the exercise handbook, pick your preferred method of handling

Faye Taxman study

- Nation-wide: average number of sentencing conditions:

Eleven

- What is the result if the condition is not tied to research that leads to a positive outcome?

State of Maine

- Passed law to prevent low risk cases from being placed on probation
 - Exceptions: high profile cases (sex offenders and “repeat” DUI)
- Result is a sharp reduction in cases assigned to probation (9,000 cases to 7,000)

State of Oregon

SB 267: 2003 Regular Session

- Requires prevention, treatment or intervention program which are intended to reduce criminal behavior or need for emergency mental health services to be evidence based
- Agencies affected: Departments of Corrections, Human Services, Commission on Children and Families, Youth Authority, and Criminal Justice Commission

Reporting and Timelines

- **Must report on:**
 - **Assessment of programs funded (whether are evidence based)**
 - **Percent of state and federal dollars expended on EBP**
 - **Description of efforts to comply with SB 267**
- **Percent of state funds that must be EB**
 - **By 2005 25% of state funds must be for EB practices**
 - **By 2007 50% of state funds must be for EB practices**
 - **By 2009 75% of state funds must be for EB practices**

State of Washington

- Juvenile Community Accountability Act of 1999
 - Changed the way local court programs are funded
 - Only programs shown to reduce recidivism in cost effective manner are eligible for funding under CJAA

Five Programs Met Initial Screen

- Functional Family Therapy (James Alexander)
- Aggression Replacement Training (Arnold Goldstein and Barry Glick)
- Multi-Systemic Therapy (Scott Henggeler)
- Adolescent Mentoring (William Davidson)
- Interagency Coordination (Patrick Tolan)

Two Programs Were Selected

- Functional Family Therapy
 - Twelve weeks long
 - \$2,500/family
- Aggression Replacement Training
 - Ten weeks long
 - \$500 per youth

Implications for the Court

Do:

- Require justice system to align with evidence based as a matter of policy (through collaborative interagency councils)

Implications for the Court

DO NOT:

- Adopt a “one size fits all” approach to offenders
- Order sentencing conditions that overwhelm offenders; each condition should have a purpose related to the risk and need assessment
- Believe everything you hear or read; have touted results reviewed by an objective source

From a policy perspective

- The courts can galvanize the players to:
 - Help the system to work in a more integrated fashion
 - Agree on its collective purpose (avoid contradictory objectives)
 - Be more consistent in its responses
 - Be scientific in its application of interventions
 - Avoid wasted use of resources
 - Avoid doing harm

Exercise-Avoiding the Fog

Local and State Policy

- Instructions:
 - Score your level of confidence on the policies that occur on the local level
 - Score your level of confidence on the policies (ie, statutes) that occur on the state level
 - List one or two suggestions on how to influence these

National Center for State Courts Survey of State Chief Justices (2006)

- Top state trial judges concerns on felony cases:
 1. High rates of recidivism
 2. Need for risk and need assessment tools
 3. Ineffectiveness of traditional probation supervision and other criminal sanctions in reducing recidivism
 4. Restrictions on judicial discretion that limit ability of judges to sentence more fairly
 5. **Absence of effective community corrections programs**

The Four Principles of Cognitive Intervention

- 1. Thinking affects behavior**
- 2. Antisocial, distorted, unproductive irrational thinking causes antisocial and unproductive behavior**
- 3. Thinking can be influenced**
- 4. We can change how we feel and behave by changing what we think**



The diagram is an iceberg with a blue water surface. The tip of the iceberg is above the surface and contains the word 'BEHAVIOR'. The larger part of the iceberg is submerged below the surface and is divided into two sections. The upper submerged section contains the words 'THOUGHTS' and 'FEELINGS'. The lower submerged section contains the words 'COGNITIVE STRUCTURE (THINKING PATTERNS)' and 'BELIEFS AND ATTITUDES'. To the right of the iceberg, there are three text labels: 'Skill Stated Knowledge' next to the tip, 'More likely aware' next to the upper submerged section, and 'Underneath The surface' next to the lower submerged section. The entire diagram is set against a background with blue wavy lines at the top.

BEHAVIOR

**Skill
Stated Knowledge**

**THOUGHTS
FEELINGS**

**More likely
aware**

**COGNITIVE STRUCTURE
(THINKING PATTERNS)
BELIEFS AND ATTITUDES**

**Underneath
The surface**



Self Talk

- Every person speaks to him or her self at a rate of 1300 words per minute

Cognitive Behavioral Programs

- It interrupts anti-social thinking patterns (restructure)
- It creates dissonance
- It provides skills to handle situations such as conflict management, problem solving (cog skills)

Cognitive Behavioral Approaches Based on Social Learning Theory

Cognitive Restructuring

(What we think content)

Cognitive Skills Development

(How we think: process)

Behavioral Strategies

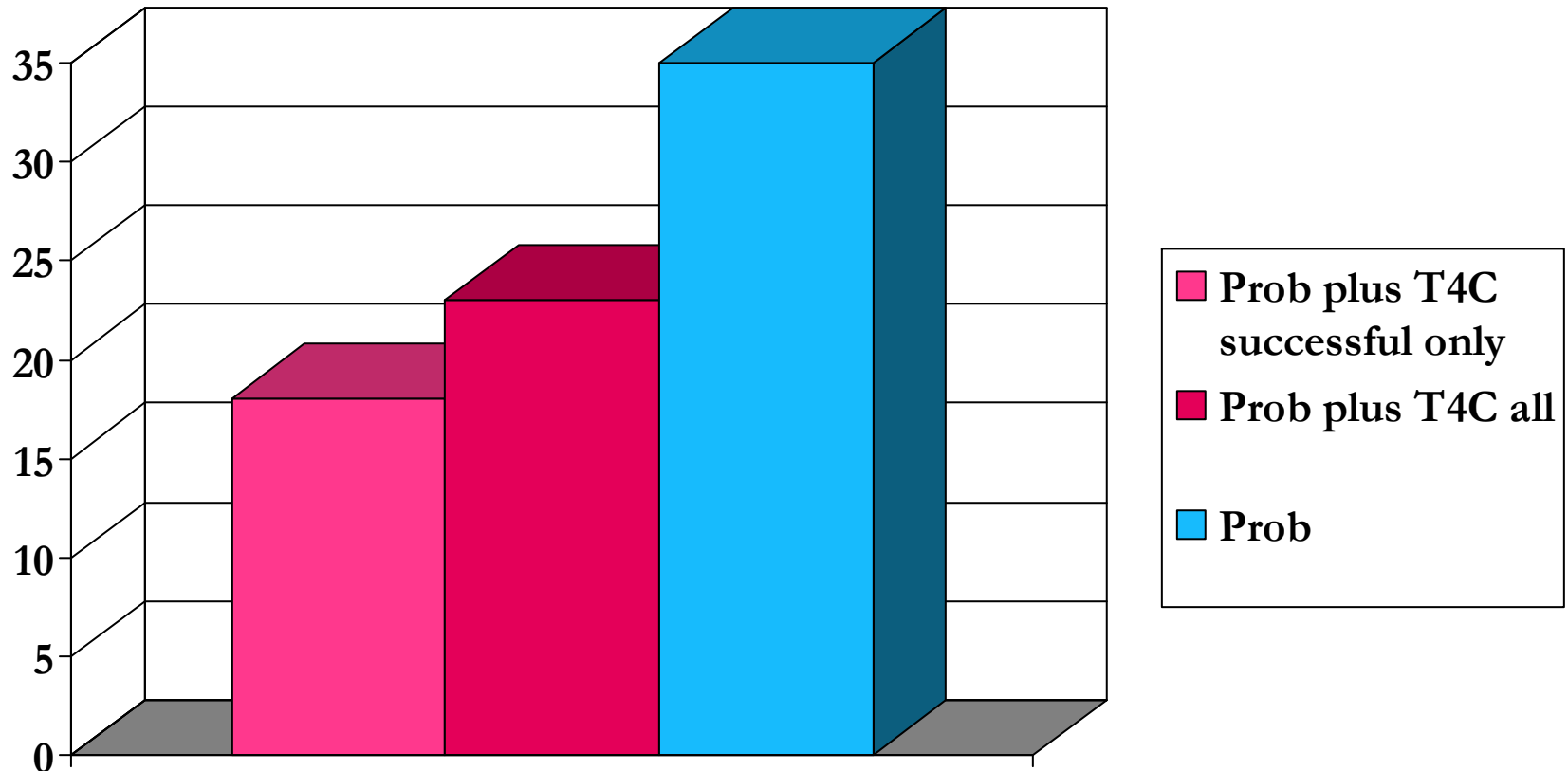
(Reinforcement and modeling prosocial behavior)

Thinking for a Change

Study by Lowenkamp and Latessa (2006)

- Tippecanoe County, Indiana
- Probation plus T4 C compared to Probation
- Study published in late 2006

Recidivism Rates



28-50% reduction in recidivism compared to traditional probation

Programming/intervention

- Dose, length, and intensity should increase with risk level
- Most (not all) respond best to cognitive behavioral programs
- They can be expensive to operate
- Cognitive restructuring, cog skills, life skills
- Treatment often works when combine cog intervention (eg, Safe Streets First)

Dosage and Intensity

- Treatment should be:
 - At least 100 hours of direct service (200-300 hours for high risk)
 - Be 3-9 months long (6-12 months for high risk) depending on risk level
- Intensive treatment (not including aftercare) that last too long (over 12 months) might begin to see diminishing results

Aftercare

- Repeated studies: institutional only treatment: no/little affect
- Institutional treatment with aftercare: significantly improved affects
- But what do we know about how to get effective aftercare?

TREATMENT GROUP

Preparation & Action



PRE-TREATMENT GROUP

Precontemplative & Contemplative



Group or Class and/or



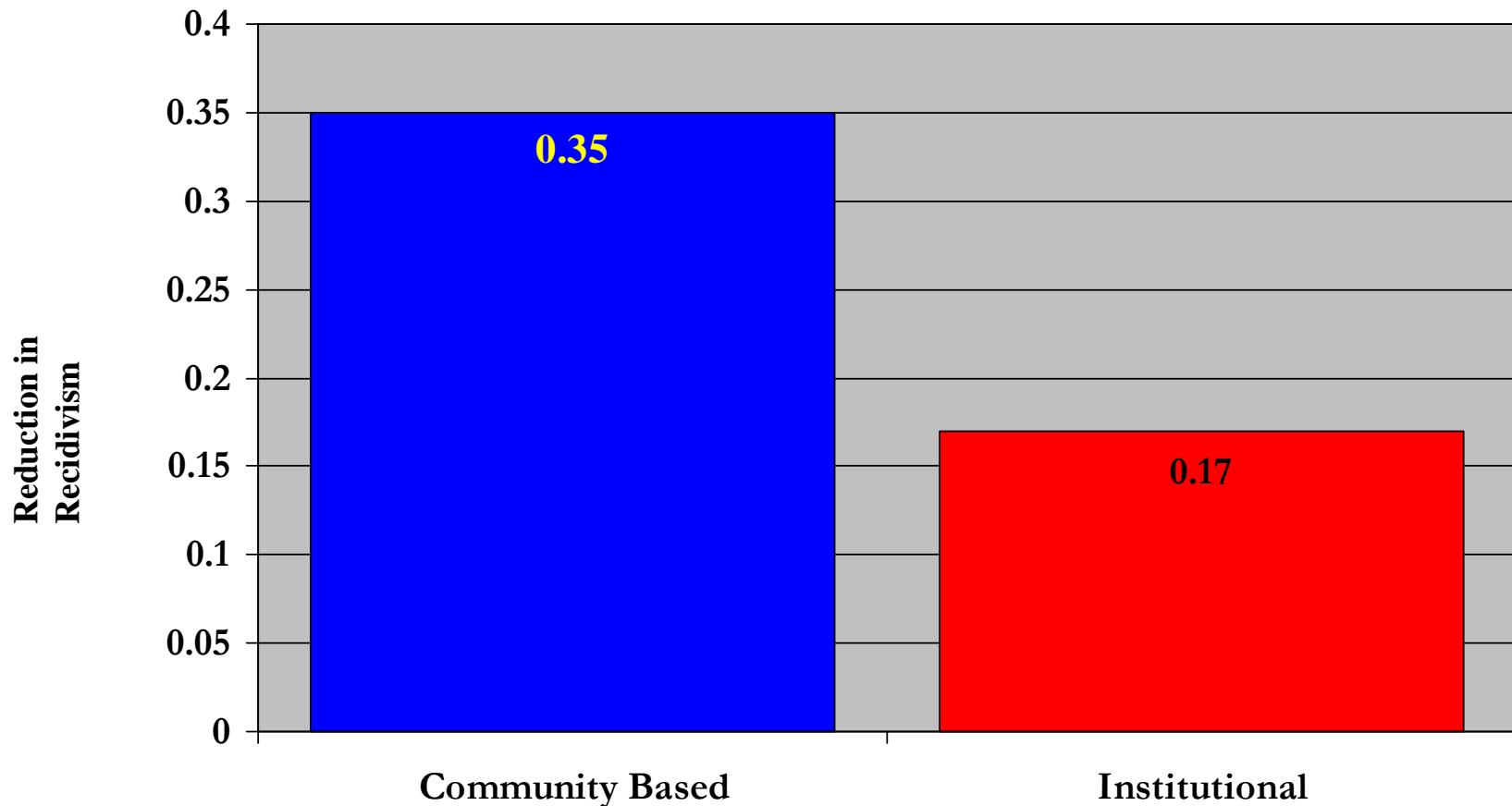
One on One
Motivational
Interviewing Sessions

AFTERCARE GROUP

Maintenance



Community Based versus Institutional Programs: Results from Meta-Analyses of Programs Based on Principles of Effective Treatment



Aftercare discoveries

CJDATS; NIDA Grant U01DA16211

- Many parolees do not follow up on referrals to community even when mandated
- Parolees entering treatment tend to have poor retention (ie, less than 90 days)
- Parolees attending less than 90 days of aftercare have outcomes similar to those who do not attend any aftercare

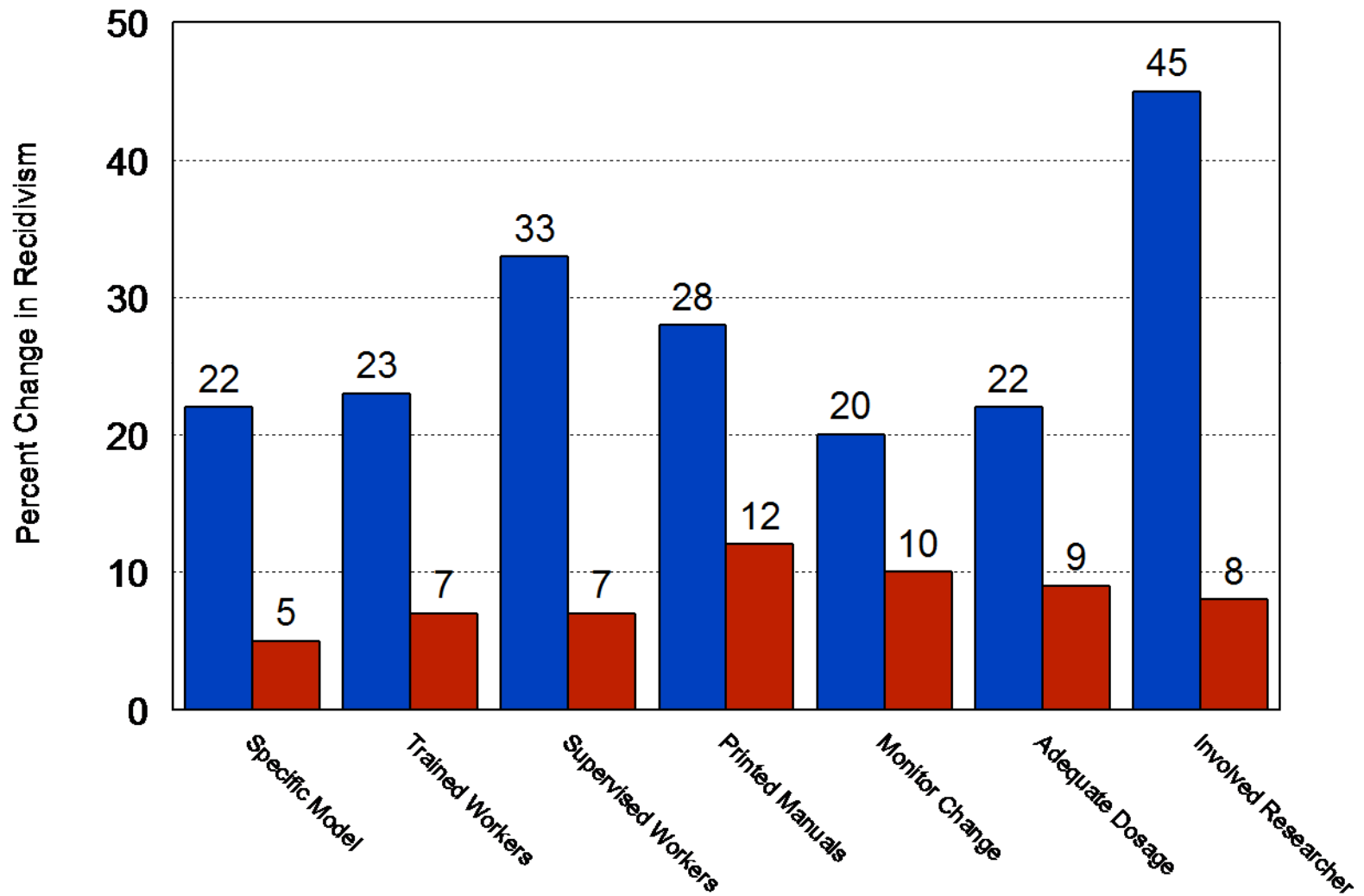


The Application Matters

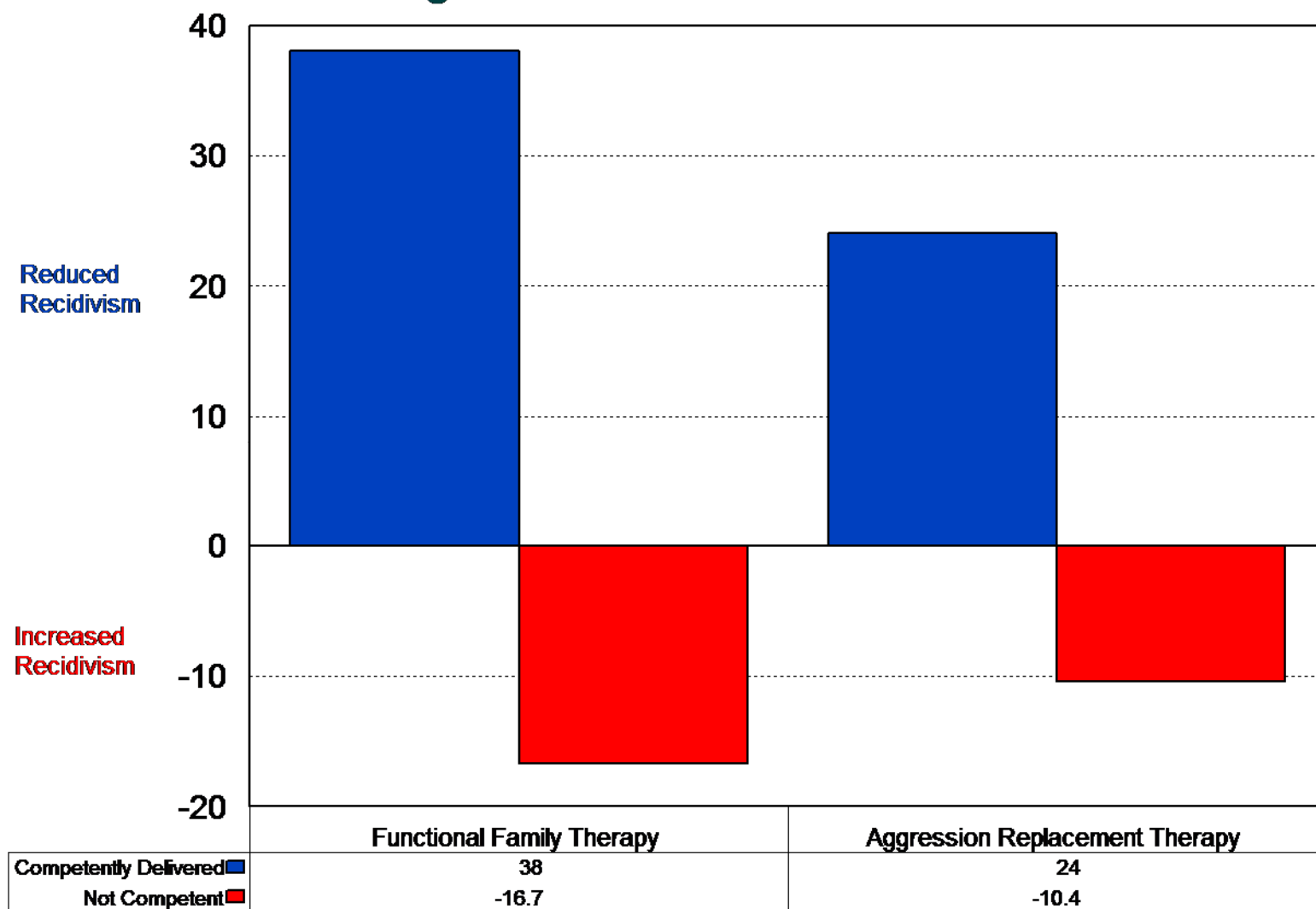
- Fidelity and Quality Assurance
- Staff Qualities

Effect of Program Integrity on Recidivism: Results from Meta Analysis

Andrews and Dowden 1999



Effects of Quality Programs Delivery for Evidenced Based Programs for Youth Offenders



Source: Outcome Evaluation of Washington State's Research-Based Programs for Juvenile Offenders. January 2004. Washington State Institute for Public Policy.

Implications for the Court

Do:

- Use programs that match criminogenic needs
- Use programs that use behavioral techniques
- Use cognitive behavioral interventions
- Engage the family in the offender's treatment plan
- Use long term incapacitation for those who are not ready to change and are a public safety risk
- Insist on seeing the data on programs
- Use punishment for short periods of time as a motivator

Answers for the Written Quiz

Exercise-Sentencing Scenarios

Applying EBP to Actual Sentencing Cases

- See Instructions

In Conclusion

- Without knowing what the research says we may be ineffective (ie, golfing in the fog) or doing harm
- To get good results we must apply the risk and need principle (focus on the higher risk and criminogenic needs)
- More is not better; targeted is better
- Some programs work, some don't
- There must be quality assurance

It requires a system that...

- Assesses the individual not just the crime (with actuarial tools)
- Motivates and engages the offender
- Targets criminogenic needs
- Matches offender characteristics with program's
- Uses positive incentives/rewards (and some negative reinforcement)
- Responds to violations quickly and effectively
- Understands relapse as a part of the recovery process



20 Tips for Judges

- Source: “Evidence-Based Practice to Reduce Recidivism: Implications for State Judiciaries” by Roger Warren, NIC/CJI; Aug 30, 2007

Summary:

Application of ebp to sentencing

1. To reduce recidivism the courts must target the moderate to high risk offenders
2. Recidivism among low risk offenders increases when they are included in programs with high risk offenders
3. Effective programs must target criminogenic needs
4. An accurate assessment of offender needs require an actuarial tool plus professional judgment
5. Imposing additional conditions of probation beyond those directly related to offender's risk/needs only distracts and impedes the offender and probation

Summary (continued):

Application of ebp to sentencing

6. An accurate assessment of offender risk should be used to determine nature of sanction on violations of probation
7. Cognitive behavioral programs rooted in social learning theory are the most effective at reducing recidivism
8. Offenders will tend to behave in ways that result in the most rewards and fewest punishments
9. Positive reinforcement is more effective than sanctions

Summary (continued):

Application of ebp to sentencing

10. Treatment programs must provide a continuity of care that includes support from the persons closest to the offenders
11. Treatment style must be matched to the offender's personal characteristics and motivation (responsivity)
12. The sentencing process matters as much as the specifics of the sentencing decision
13. All communication with the offender should be conducted in a manner to achieve a mutual goal of risk reduction

Summary (continued):

Application of ebp to sentencing

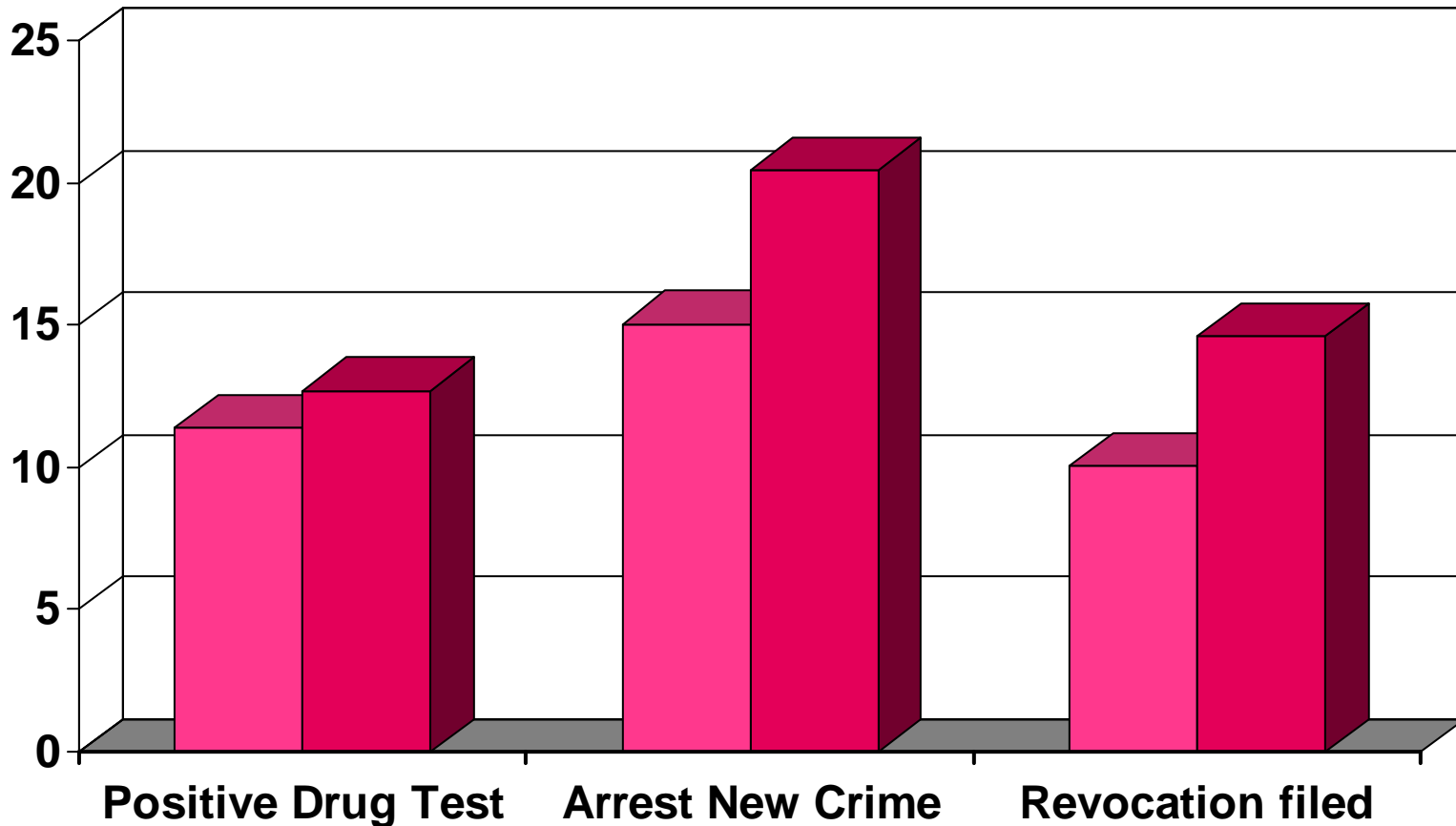
14. The judge should act as a change agent, like the PO
15. Judges can maximize the positive effect and minimize any negative effect of the court process by the way they interact with people coming before them
16. Motivation to change is a critical precondition for behavioral change
17. Motivational interviewing techniques should be adopted by the bench (reflective listening, pointing out offender inconsistencies, reinforcing positive behaviors, etc.)

Summary (continued):

Application of ebp to sentencing

18. Judicial roadblocks to avoid include threatening, lecturing, arguing, shaming, and sympathizing
19. Actions are as critical as words (role modeling)
20. The more that offenders feel that they have been treated fairly, the more likely they will be to obey the law in the future

State of Maryland Proactive Community Supervision Results



Source: Taxman, F et. al., 2006, Proactive Community Supervision in Maryland: Changing Offender Outcomes

Judges challenges in ebp

- Public reaction to sentencing
- Lack of defensible position (ie, research) to back up decision
- Mandatory sentencing laws
- Plea negotiation
- Victim involvement
- Cover based by implementing a “more is better” mentality
- Getting labeled by others as soft

Judicial Challenge	How EBP contributes
Public reaction to sentencing	Surveys support risk reduction strategies if remove dangerous offender
Lack of defensible position (ie, research) to back up decision	Significant research has been published
Mandatory sentencing laws	Suggests that one size does not fit all; requires review of laws
Plea negotiation	Encourages matching of conditions; provide more probation discretion
Victim involvement	Most victims want some assurance that offense won't happen to another
Cover based by implementing a "more is better" mentality	Less is more
Getting labeled by others as soft	Most higher risk offenders would choose punishment over behavioral therapy

Best sources for “cleaned up” research

Links from NIC website: http://www.nicic.org/WebPage_387.htm

- **Washington State Institute for Public Policy**
Conducts evaluations of evidence-based offender treatment interventions in the State of Washington.
- **Center for the Study and Prevention of Violence, University of Colorado**
Conducts studies, provides information, and offers technical assistance regarding violence prevention.
- **The Corrections Institute, University of Cincinnati**
Assists agencies seeking to change offender behavior.
- **Bureau of Government Research, University of Maryland**
Helps government agencies identify and implement "best practices."
- **Institute of Behavioral Research at TCU**
Studies addiction treatment in community and correctional settings.
- **Campbell Collaboration**
Studies the effects of interventions in social, behavioral, and educational arenas.
- **National Criminal Justice Reference Service**

**Sentencing, Supervision, and Interventions that Reduce Crime:
Evidence Based Practices**

JUDICIAL EXERCISES

**Spring Judicial College Program
Indianapolis Hilton North
April 17, 2008**



Mark Carey
The Carey Group
mcarey.tcg@charter.net
651-226-4755

Sentencing Quiz for Judges

Quiz Question	Answer
1. Which of the following sentencing options best reduce recidivism in the long term? a. Boot camps b. Wilderness programs c. Escalating sanctions d. Cognitive behavioral programs	
2. Which is not a criminogenic need? a. Depression b. Anti-social peers c. Low victim empathy d. Unemployment	
3. True or false. The lack of education is among the top four criminogenic needs	
4. Responsivity means: a. Being responsive to the needs of offenders b. Using actuarial risk/need assessment tools c. Focusing on offender strengths d. Matching the individual traits of the offender with the program components	
5. True or false. It is generally true that treatment can be effective and therefore it is more important that you provide lots of treatment than to be concerned with the type of treatment	
6. True or false. Placing offenders with low self esteem in programs that increase their confidence does not reduce recidivism	
7. True or false. It is generally true that most treatment has not worked in reducing recidivism and therefore sentencing should focus on holding the offender accountable and restoring the crime victim	

<p>8. Which of the following programs work in reducing recidivism over the long term:</p> <ul style="list-style-type: none"> a. Gardening and horticulture b. Yoga c. Drum circles d. Lectures designed to give insight e. AA f. None of the above 	
<p>9. Which of the following program components contribute the least to reduced recidivism:</p> <ul style="list-style-type: none"> a. Offenders rehearsing skills learned in programs b. Staff role modeling c. Positive reinforcement d. Programs designed to provide insight 	
<p>10. Which is more important in lowering recidivism:</p> <ul style="list-style-type: none"> a. Lower workload for staff b. Providing staff with training and skills c. Getting more resources d. Use of external control 	
<p>11. Mixed gender offender treatment groups is:</p> <ul style="list-style-type: none"> a. Effective for role modeling and controlled exposure to mixed gender issues b. Harmful to positive results c. Neither harmful nor positive d. None of the above 	
<p>12. Evidence based practices is not used in the fields of:</p> <ul style="list-style-type: none"> a. Medicine b. Nursing c. Corrections d. Plumbing e. None of the above 	
<p>13. True or false. It is important to give offenders positive reinforcement and feedback when they are pro-social if your goal is risk reduction.</p>	
<p>14. True or false. It is important to give offenders negative consequences when they are non-compliant if your goal is risk reduction.</p>	
<p>15. True or false. The best program for the extreme high risk offender is a cognitive restructuring program</p>	

<p>16. What is the ratio of the number of positive reinforcing statements that must be given before an individual will hear a critical comment?</p> <ul style="list-style-type: none"> a. 4:1 b. 1:1 c. 2:1 d. 10:1 	
<p>17. Dosage and intensity of the treatment intervention is critical for reduction of recidivism. The average number of treatment hours needed for reduced recidivism for a higher risk offender is:</p> <ul style="list-style-type: none"> a. 200 hours b. 25 hours c. 50 hours d. There is not enough research to know the right amount of dosage 	
<p>18. Punishment can be effective at changing behavior if:</p> <ul style="list-style-type: none"> a. All misbehavior is caught b. Misbehavior is responded to quickly with an effective response c. Alternative behaviors are taught d. None of the above e. All of the above 	
<p>19. True or false. Putting all offenders in a drug class to make sure that all get educated on harm of drugs is a good strategy.</p>	
<p>20. Putting lower risk offenders in a cognitive behavioral class will:</p> <ul style="list-style-type: none"> a. Help settle the class down by providing positive role models for the disruptive, higher risk offenders b. Increase the lower risk offender recidivism rates c. Decrease the higher risk offender recidivism rates d. Not have any real affect 	

Exercise-Rank the Plates

Identifying the causes of crime

Purpose: To understand the variables linked with criminality and where to focus sentencing conditions

Instructions:

- At your table, identify which of the plates are non-criminogenic (7 of them)
- Of those that are criminogenic (8 of them), identify the top four (most influential) and the lesser four
- Try to list them from most influential to least
- DO NOT look at the ppt handout to cheat!!!! We have cameras

Top Four Criminogenic Needs	Lesser Four Criminogenic Needs	Non-Criminogenic Needs
1.	5.	a.
2.	6.	b.
3.	7.	c.
4.	8.	d.
		e.

Health issues
 Mental Illness
 Companions
 Anti-social beliefs
 Temperament
 Leisure
 Intelligence
 Employment
 Family issues
 Self esteem
 Substance abuse
 Personal distress
 Education

*Adapted from exercise developed by Sarah Schmoll, Arizona Adult Probation Services

Exercise: Criminogenic Needs

Instructions: Read the case below. First, individually identify the criminogenic needs and strengths. Secondly work with a partner or small group to gain a consensus. Just fill out the shaded area in the chart below.

LOW RISK OFFENDER

Jim is an immature eighteen year old high school student who has a wide variety of friends. He is African American and looks like he is in his twenty's. One group of friends is a younger group of 15-16 year olds who are impulsive and unsupervised. Jim wants to be everyone's friends, has a strong desire to please and has, on occasion, bought cigarettes and alcohol for them although he does not use himself. This group heard that a neighbor lady was out of town and had a large super-sized TV screen that covered an entire wall. Since they wanted to play video games on this screen they convinced Jim to break into her house one evening. While playing videos, a man who she hired to watch her house while she was gone arrived and caught the boys in the home. He pulled out a gun and confronted the boys, almost pulling a trigger when the youngest jumps through the glass pane window to escape. It is his first conviction. Jim's parents were shocked and disappointed in his behavior. Jim experienced a lot of remorse and shame over his actions. He has about to turn eighteen years of age and should be graduating but is 1.5 credits short. He works at Best Buy and the manager has taken a liking to him and agreed to help him get through the court process and keep his job for him. The assessment showed him as a low risk offender.

Case One: Low Risk Offender-What are the Jim's...

Criminogenic needs?	Non-criminogenic needs?	Responsivity factors?	Triggers?	Strengths?

Exercise: WWUD

Bench Protocols: What Would You Do?

Instructions: First individually read each scenario and pick the best suited responses recognizing that any response might be appropriate given the circumstances. Nonetheless, pick up to two responses that appear to be most appropriate for most cases described in the scenario. When done, discuss at the table to gain a consensus if possible.

Scenarios	Choice	Possible bench responses
<u>One:</u> Stu has been in court five times in six years for misd crimes, mainly for minor, alcohol related events. He is now in on a felony drug possession charge. He does not want treatment and just wants to get this hearing over with.		<ul style="list-style-type: none"> a. Ask the offender what happened in an effort to understand the event from his perspective and to engage him in the solution. b. Tell the offender what he is doing wrong from your perspective because most offenders lack insight. c. Confront the offender for blaming others for his own misconduct. d. Give the offender a firm lecture in hopes that he will feel shame for what he did and not want to experience it again. e. Threaten the offender with prison if it happens again, even once.
<u>Two:</u> Del has been on probation for three years for burglary. He has been crime free for that time but now has returned on a revocation charge for not keeping his appts and picking up a petty theft charge. He blamed the theft on his wife who complains he doesn't make enough money.		<ul style="list-style-type: none"> f. Express pity for the offender's circumstances and give him a break as he is probably doing the best he can anyway. g. Send him to jail for a few days to think about what happened and to shake up his attitude. h. Probe for possible causes for his behavior. i. Remind the offender about his previously stated goals (if you know) and ask him how his actions are helping him accomplish the goals. j. Give the offender choices. k. Ask the offender what he intends to do about the situation. l. Find something the offender did right in the situation and praise him for it. m. Ask the offender what he would do in this situation if he was the judge.
<u>Three:</u> Ty wrote \$3,000 worth of bad checks against 17 businesses. He says he feels badly but got in with the wrong crowd.		<ul style="list-style-type: none"> n. Don't bother with discussing the matter with the offender. Execute a prison or jail sentence.

Exercise: To Tell the Truth

Thirteen (13) Questions Judges Should Ask Their Probation Chiefs

<p>Instructions: For the justice system to reach its objective of enhancing public safety through reduction of recidivism, it is critical that the entire system be working together with similar knowledge, objectives, and tools/processes. This guide is designed to help the courts ascertain the kind of work being performed in their local community corrections agency. Judges are encouraged to ask these questions of the Probation Chief to determine the degree to which evidence based practices are being implemented in probation. <i>The highlighted section is provided as a “preferred response” by the Probation Chief based on current research knowledge.</i> Please be aware that this is the ideal state which does not happen over night. For many agencies, it requires a profound cultural change and often takes years to achieve. Judges and probation are encouraged to join efforts to make this a reality.</p>	<p style="text-align: center;">Rating</p> <p>1=This fully describes what is happening 2=This largely describes what is happening 3=Neutral 4=This largely does not describe what is happening 5=This fully does not describe what is happening</p> <table border="1" style="width: 100%; text-align: center; border-collapse: collapse;"> <tr> <td style="width: 20%;">1</td> <td style="width: 20%;">2</td> <td style="width: 20%;">3</td> <td style="width: 20%;">4</td> <td style="width: 20%;">5</td> </tr> </table>	1	2	3	4	5
1	2	3	4	5		
<p>ASSESSMENT</p> <p>1. What risk/need tools are you using and how are they being used by the officers?</p> <div style="background-color: #f0f0f0; padding: 10px; margin-top: 10px;"> <p>An evidence based response: We use a number of tools, each which serve a distinct purpose. Actuarial risk and need tools provide us with better rearrest prediction than professional judgment alone. As such we have a brief screening tool that can be done quickly by the officer to determine if the offender is low risk. If so, the officer does not apply the general risk/need tool. This general risk/need tool takes longer to administer and tells us not only the offender risk level, but also his/her criminogenic needs. The identification of these criminogenic needs are critical for court reports, decisions on how intensely to supervise, what kind of officer to assign, how to handle violations, and how best to spend our limited time and programs (through the case plan). Finally, the general risk/need tool does not accurately assess every kind of offender. Certain offender types require a more specialized tool such as those for domestic violence, drunk driving, and sex offenders. All of our tools have been validated (ie, proven to accurately predict risk and identify the right criminogenic needs that need targeting) and normed on our local population (to take into account regional differences). We periodically revalidate and norm the tool to ensure long term viability.</p> </div>	<table border="1" style="width: 100%; height: 150px; border-collapse: collapse;"> <tr> <td style="width: 20%;"></td> <td style="width: 20%;"></td> <td style="width: 20%;"></td> <td style="width: 20%;"></td> <td style="width: 20%;"></td> </tr> </table>					

<p>Instructions: For the justice system to reach its objective of enhancing public safety through reduction of recidivism, it is critical that the entire system be working together with similar knowledge, objectives, and tools/processes. This guide is designed to help the courts ascertain the kind of work being performed in their local community corrections agency. Judges are encouraged to ask these questions of the Probation Chief to determine the degree to which evidence based practices are being implemented in probation. <i>The highlighted section is provided as a “preferred response” by the Probation Chief based on current research knowledge.</i> Please be aware that this is the ideal state which does not happen over night. For many agencies, it requires a profound cultural change and often takes years to achieve. Judges and probation are encouraged to join efforts to make this a reality.</p>	<p>Rating</p> <p>1=This fully describes what is happening 2=This largely describes what is happening 3=Neutral 4=This largely does not describe what is happening 5=This fully does not describe what is happening</p>				
	1	2	3	4	5
<p>2. How do the risk/need tools influence your court reports? Supervision? Program placement?</p>					
<p>An evidence based response: The pre-sentence and pre-dispositional reports contain a section that describes the kind of programming that would be best suited for the individual offender based on risk to reoffend, criminogenic needs, and responsivity factors. Those with a higher risk to reoffend are recommended for more intensive supervision and external controls, medium and high risk for programming, and low risk for quick, short interventions. The criminogenic needs are portrayed in the recommended conditions of probation (such as treatment, cognitive behavioral programs, GED, etc.). And, the responsivity factors are taken into account when we identify the kind of programs the offender would most likely successfully respond to. The assessment provides us with this information that leads to how we tailor the court report, the type/intensity of probation, and the specific program(s) we place the offender into. The assessment tools provide us with the key factors that focus our attention, time, and resources and help us individualize our response.</p>					
<p>3. How do you separate offenders by risk level?</p>					
<p>An evidence based response: We have specialized caseloads based on risk level. (Note: this is harder to do in rural areas.) Certain officers handle the extreme high risk offenders. Their caseloads are very low (such as 15-30 adults per officer and 10-15 juveniles per officer). These offenders are not responsive to programming. Officers must monitor them very closely, seeing them multiple times per week, providing external controls, and partnering with law enforcement and the community. The low risk offender does not need much (if any) face to face time. They are generally self-correcting. The officers in charge of this low risk population manage very large caseloads (ranging from 200 to 1,000 per officer) and use techniques such as administrative supervision, banked caseloads, large group reporting, phone and/or mail monitoring, automated phone and/or kiosks. The officers who specialize in medium/high risk cases have caseloads in the 65-75 range for adults and 30-35 for juveniles. They spend as much face to face time as they can and provide many opportunities to address their criminogenic needs. These offenders are best suited for cognitive behavioral programs. Finally, we take extra precautions not to mix risk levels in our lobby/waiting rooms and programs.</p>					

<p>Instructions: For the justice system to reach its objective of enhancing public safety through reduction of recidivism, it is critical that the entire system be working together with similar knowledge, objectives, and tools/processes. This guide is designed to help the courts ascertain the kind of work being performed in their local community corrections agency. Judges are encouraged to ask these questions of the Probation Chief to determine the degree to which evidence based practices are being implemented in probation. <i>The highlighted section is provided as a “preferred response” by the Probation Chief based on current research knowledge.</i> Please be aware that this is the ideal state which does not happen over night. For many agencies, it requires a profound cultural change and often takes years to achieve. Judges and probation are encouraged to join efforts to make this a reality.</p>	<p>Rating</p> <p>1=This fully describes what is happening</p> <p>2=This largely describes what is happening</p> <p>3=Neutral</p> <p>4=This largely does not describe what is happening</p> <p>5=This fully does not describe what is happening</p>				
	1	2	3	4	5
<p>4. How do you know that staff is targeting criminogenic needs in their one on one sessions and program referrals?</p>					
<p>C A S E M A N A G E M E N T</p>	<p>An evidence based response: This is a heavy emphasis for us. We know that if we spend our time on non-criminogenic areas we will not see any reduction in recidivism. Each officer is expected to use a case plan where at least the top four criminogenic needs are addressed. While they need not all be addressed at once, some successful intervention must occur during the time under supervision. Medium and high risk offenders come to us with a cluster of criminogenic needs, not just one or two. Therefore to be successful, we must address at least the top four needs. Some of these can be handled in-house through the officer's sessions. Others require a formal program. Furthermore, the sequencing is important. We train our staff on which criminogenic needs should be addressed first. For example, if we help an offender get a job before we address his/her anti-social attitudes/beliefs or increase their behavioral management skills, he/she will likely fail on the job.</p>				
<p>5. What system is in place for offender rewards and incentives for compliance and progress? What sanctions are employed for non-compliance?</p>					
	<p>An evidence based response: We know that incentives are much more powerful motivators than disincentives. We also know that what is an incentive to one individual may not be for another. The provision of incentives and rewards reinforces the idea that a person who follows societal norms should expect to receive something of meaning (not all the time, but much of the time). Therefore, we try to replicate the real world of rewards and incentives through praise, reduced reporting, letters of support, certifications, early discharge, supportive comments to significant others, etc. We have devised a written system of rewards that each officer is encouraged to use. While rewards and incentives are powerful shapers of behavior, we also must balance that with a graduated list of sanctions</p>				

<p>Instructions: For the justice system to reach its objective of enhancing public safety through reduction of recidivism, it is critical that the entire system be working together with similar knowledge, objectives, and tools/processes. This guide is designed to help the courts ascertain the kind of work being performed in their local community corrections agency. Judges are encouraged to ask these questions of the Probation Chief to determine the degree to which evidence based practices are being implemented in probation. <i>The highlighted section is provided as a “preferred response” by the Probation Chief based on current research knowledge.</i> Please be aware that this is the ideal state which does not happen over night. For many agencies, it requires a profound cultural change and often takes years to achieve. Judges and probation are encouraged to join efforts to make this a reality.</p>	<p>Rating</p> <p>1=This fully describes what is happening 2=This largely describes what is happening 3=Neutral 4=This largely does not describe what is happening 5=This fully does not describe what is happening</p>				
	1	2	3	4	5
<p>for non-compliance and poor behavior. Misconduct is not overlooked but is responded through informally or formally depending on the severity of conduct and type of offender. A written list of graduated sanctions is provided to the officers and supervisory sign-off required. Jail is on the list for higher severity misconduct and/or high risk offenders but it is used sparingly and with purpose, taking into account public safety and level of impact on the offender.</p>					
<p>6. What do you do with non-motivated offenders?</p>					
<p>An evidence based response: We view motivation as a changeable condition for the majority of offenders (with the extreme high risk as the possible exception). Certain interventions and officer skills can increase motivation which increases the likelihood of program completion and sustainability. We view our job of getting offenders treatment-ready as one of the most important things we can do since long term treatment outcomes improve as the offender’s motivation level increase. All direct service staff have been trained in motivational interviewing techniques. This gives them the skill to increase the offender’s ambivalence and then commitment to take action. For those offenders who are not motivated and will not respond to one-on-one case management we do one of two things: we monitor them closely while we watch for their life circumstances to change (such as losing a job/freedom due to continued poor decision making) or we will place them into a structured, pre-contemplative group. This group uses a structured curriculum and is designed to increase motivation, not to “do therapy.” If the offender responds well to the curriculum and increases their motivation we will then place the individual in a treatment program. A few programs (not many) build in a procedure to increase a participant’s motivation once placed. We will refer a non-motivated offender to programs only when they contain this feature.</p>					

Instructions: For the justice system to reach its objective of enhancing public safety through reduction of recidivism, it is critical that the entire system be working together with similar knowledge, objectives, and tools/processes. This guide is designed to help the courts ascertain the kind of work being performed in their local community corrections agency. Judges are encouraged to ask these questions of the Probation Chief to determine the degree to which evidence based practices are being implemented in probation. <i>The highlighted section is provided as a “preferred response” by the Probation Chief based on current research knowledge.</i> Please be aware that this is the ideal state which does not happen over night. For many agencies, it requires a profound cultural change and often takes years to achieve. Judges and probation are encouraged to join efforts to make this a reality.		Rating 1=This fully describes what is happening 2=This largely describes what is happening 3=Neutral 4=This largely does not describe what is happening 5=This fully does not describe what is happening				
		1	2	3	4	5
	7. How are treatment programs selected for offenders? An evidence based response: We use the risk, need, and responsivity principles to place offenders. We will limit any kind of programming for low risk offenders as this programming is not likely going to reduce risk of reoffense any further than the very act of getting arrested and convicted. We will not use programs for the extreme high risk as they will not respond favorably and will likely disrupt the work of others. We will limit most of our treatment programs to the medium and high risk offenders. Applying the need principle means that we will place these medium and high risk offenders in programs that are designed specifically to address their criminogenic needs. Each program should have a specific set of criminogenic needs that it addresses. Officers will place offenders in those programs that target the specific criminogenic needs of the referred offender. Finally, responsivity suggests that some programs work better with certain offenders and matching these characteristics is important for good results. For example, an offender with a low IQ will not do well in a traditional cognitive behavioral group without assistance even if he/she is medium or high risk. A female offender, especially one with previous victimization in her background will need a female specific program. We therefore seek programs that match up with the individualized offender risk, needs, and responsivity factors.					
P R O G R A M S	8. How do you know the programs you refer offenders to are working as they should?					
	An evidence based response: We seek to use only those programs that are evidence based and clear about which criminogenic and responsivity needs they can meet. To ensure that this happens we have a person on staff who works with our community based organizations to clarify what we need and what kind of services they should provide. The staff person monitors the programs through a variety of techniques including on-site observation. We have created a preferred provider list for our officers. Those programs on the preferred provider list have met our standards as being evidence based. In addition, we provide technical assistance for the community based organizations to provide process and outcome measures. Some of the programs have been using the CPAI (Correctional Program Assessment Inventory) that measures the level to which the program contains the research based features known to reduce recidivism.					

<p>Instructions: For the justice system to reach its objective of enhancing public safety through reduction of recidivism, it is critical that the entire system be working together with similar knowledge, objectives, and tools/processes. This guide is designed to help the courts ascertain the kind of work being performed in their local community corrections agency. Judges are encouraged to ask these questions of the Probation Chief to determine the degree to which evidence based practices are being implemented in probation. <i>The highlighted section is provided as a “preferred response” by the Probation Chief based on current research knowledge.</i> Please be aware that this is the ideal state which does not happen over night. For many agencies, it requires a profound cultural change and often takes years to achieve. Judges and probation are encouraged to join efforts to make this a reality.</p>	<p>Rating</p> <p>1=This fully describes what is happening</p> <p>2=This largely describes what is happening</p> <p>3=Neutral</p> <p>4=This largely does not describe what is happening</p> <p>5=This fully does not describe what is happening</p>				
	1	2	3	4	5
<p>9. What kind of cognitive behavioral programs are in place?</p>					
<p>An evidence based response: We have built a continuum of cog programs in order to meet the varied needs of the offenders. We have a need for programs that are responsive to women, different cultures, different ages, and varying motivation levels. In addition, the risk and need tool indicates that offenders may need varying intensities/dosages and types of cog. Therefore, we have built a series of programs that contain cognitive restructuring (changes the way offenders think and examines their belief system), cognitive skills (building concrete problem solving skills), and life skills (assisting with coping with life’s daily demands). All of the cog programs are behavioral in nature (ie, they contain experiential learning and use of role plays and assignments).</p>					
<p>10. What evidence based practices training do staff receive?</p>					
<p>T R A I N I N G +</p>	<p>An evidence based response: All direct service staff are trained on the foundational principles of evidence based practices (risk, need, and responsivity) followed by training on motivational interviewing (two day skill training), use of assessment, effective case management, supervision strategies, and effective programming. Some staff also receives cognitive behavioral interventions depending on their job type. Booster training is provided periodically as a means of refreshing knowledge and skills.</p>				

<p>Instructions: For the justice system to reach its objective of enhancing public safety through reduction of recidivism, it is critical that the entire system be working together with similar knowledge, objectives, and tools/processes. This guide is designed to help the courts ascertain the kind of work being performed in their local community corrections agency. Judges are encouraged to ask these questions of the Probation Chief to determine the degree to which evidence based practices are being implemented in probation. <i>The highlighted section is provided as a “preferred response” by the Probation Chief based on current research knowledge.</i> Please be aware that this is the ideal state which does not happen over night. For many agencies, it requires a profound cultural change and often takes years to achieve. Judges and probation are encouraged to join efforts to make this a reality.</p>		<p>Rating</p> <p>1=This fully describes what is happening</p> <p>2=This largely describes what is happening</p> <p>3=Neutral</p> <p>4=This largely does not describe what is happening</p> <p>5=This fully does not describe what is happening</p>				
		1	2	3	4	5
S T A F F D E P L O Y M E N T	11. How is staff placed in the agency?					
	<p>An evidence based response: We attempt to match officer characteristics with corresponding offender typology and the specific job requirements in the same way we look to match offender characteristics with the program referral (ie, the principle of responsivity). Staff who is street savvy and who prefer to flex their working hours to evenings and weekends manage the extreme high risk caseloads. Staff who is well organized and who work well with technology handle the large caseloads of low risk offenders. And, medium and high risk offenders are placed on caseloads of officers who possess skills and temperament conducive to changing offender behavior. These skills/temperament include features such as comfort with authority, engaging, supportive, able to set limits, verbal acuity, and flexible. Some agencies use assessment tools (such as the CMC-Client Management Classification) to identify offender typologies and assign officers accordingly. We are considering adding this feature.</p>					
F I D E L I T Y A N D	12. What data do you give your officers to help them improve their effectiveness?					
	<p>An evidence based response: Each officer is provided data on their caseload on a monthly basis. The data is provided in graph form and is easy to read. It includes the key success factors such as (examples) the number/percent of their caseload that is in treatment, has a case plan in operation, has the top four criminogenic needs being addressed, is employed, and has increased or decreased the risk/need scores. The officer gets a running total of this data to see trends. Furthermore, he/she receives a report on how their caseload percentages compare to the agency average in each category. If an officer has an unusually high or low mark a review is conducted to see what might be contributing to those scores. Officers who continually receive scores above the agency average provide coaching and training to peers. The managers review these data to problem solve and improve quality. A structured review process is scheduled each month to analyze a subset of the data. Targets for specific outcomes are set each year. Feedback on the effectiveness of various programs is provided to the courts and county administration.</p>					

Instructions: For the justice system to reach its objective of enhancing public safety through reduction of recidivism, it is critical that the entire system be working together with similar knowledge, objectives, and tools/processes. This guide is designed to help the courts ascertain the kind of work being performed in their local community corrections agency. Judges are encouraged to ask these questions of the Probation Chief to determine the degree to which evidence based practices are being implemented in probation. <i>The highlighted section is provided as a “preferred response” by the Probation Chief based on current research knowledge.</i> Please be aware that this is the ideal state which does not happen over night. For many agencies, it requires a profound cultural change and often takes years to achieve. Judges and probation are encouraged to join efforts to make this a reality.		Rating 1=This fully describes what is happening 2=This largely describes what is happening 3=Neutral 4=This largely does not describe what is happening 5=This fully does not describe what is happening				
		1	2	3	4	5
E V A L U A T I O N	13. How do you know the risk/need tool is working properly? How do you know that the ebp knowledge and techniques you have put in place are working once staff are trained?					
	An evidence based response: We know that if we don’t put quality assurance mechanisms in place our adherence to the model and outcomes will deteriorate. As a result, we do a number of things. First of all, we have set up a quality assurance committee made up primarily of line staff. Its job is to review the quality of the work being performed and to provide booster training and coaching for their peers. A quality plan is put in place each year. This plan includes features such as booster training for staff around assessment tools, motivational interviewing, case planning, and cognitive behavioral interventions. Peer review tools are provided so that staff can get ongoing feedback on how well they are managing their cases. These tools usually consist of checklists that a peer or supervisor uses when observing an interaction. In addition, staff submits a video or audio tape of a client session at least annually to a reviewer for feedback on how to improve interviewing skills. We hold annual inter-reliability sessions whereby a small group of officers review the facts of a case and score the assessment tool. Differences in scoring should be small and inconsequential. If the differences are high, then additional training and review is provided. Office-wide data around the key success factors are reviewed with staff on an ongoing basis (at least quarterly) and improvements sought based on the data results.					

Scoring Sheet for Thirteen Questions

Category	Question	1	2	3	4	5
Assessment	1. What risk/need tools are you using and how are they being used by the officers?					
	2. How do the risk/need tools influence your court reports? Supervision? Program placement?					
	3. How do you separate offenders by risk level?					
Case Management	4. How do you know that staff is targeting criminogenic needs in their one on one sessions and program referrals?					
	5. What system is in place for offender rewards and incentives for compliance and progress? What sanctions are employed for non-compliance?					
	6. What do you do with non-motivated offenders?					
	7. How are treatment programs selected for offenders?					
Programs	8. How do you know the programs you refer offenders to are working as they should?					
	9. What kind of cognitive behavioral programs are in place?					
Training and staff deployment	10. What evidence based practices training do staff receive?					
	11. How is staff placed in the agency?					
Fidelity and evaluation	12. What data do you give your officers to help them improve their effectiveness?					
	13. How do you know the risk/need tool is working properly? How do you know that the ebp knowledge and techniques you have put in place are working once staff are trained?					
Total						

Exercise: Lydia Responsivity Factors

Instructions: Read the case below. First, individually identify the responsivity needs. Secondly work with a partner or small group to gain a consensus. Just fill out the shaded area in the chart below.

HIGH RISK OFFENDER

Lydia is a thirty-six year old Caucasian female who has been in and out of substance abuse treatment most of her life. She is growing tired of the lifestyle but feels hopeless in changing it. After getting into a fight with her boyfriend, she got drunk and ran into a car driven by a young man and his son. The eight year old boy suffered a broken wrist and facial lacerations. She was convicted of aggravated drunk driving with an injury. She has a number of prior offenses including two drunk driving charges, one felony drug possession, one felony forgery, and a misdemeanor assault. She had been crime free for five years until this charge. She has a sixth grade education and cannot read or write well enough to get most jobs but she is very interested in changing that, with an ultimate goal of becoming a nurse. She has been in and out of jobs, never holding one for longer than four months. She has a strong support system with her boyfriend of six years and her sister. She has one child who is living in a foster home. Lydia has been diagnosed with depression and PTSD. She has a feisty disposition and is outgoing and sometimes aggressive. She loves being the center of attention. Her substance abuse allows her to forget an untreated sexual assault that occurred when she was fifteen. She scored as high risk on the assessment.

What are Lydia's:

Criminogenic needs?	Non-criminogenic needs?	Responsivity factors?	Triggers?	Strengths?

Exercise: Keys to Pleas Dealing with Plea Negotiations

Instructions: In most jurisdictions plea negotiations are determined by prosecutor policy and judges feel bound to accept them as a means to handle large volumes of cases without trials. However, the conditions that pleas contain often are not consistent with evidence based practices and can actually increase public safety concerns. Furthermore, than can burden probation officers with unnecessary supervision responsibilities or onerous conditions that do not align with risk reduction goals. Judges often report feeling hamstrung by legislative mandates and pleas. This exercise is designed to identify possible actions the court can take to alter pleas when they are problematic.

First, select what you think your top solution might be (one per category). Then compare with the rest of the group at your table. Solutions will likely differ depending on prosecutor policy, statutes, court volume, and working relationships.

Possible Solutions

On an individual case by case level

- a. Reject the plea and send it back for reconsideration
- b. Ask counsel to explain how the plea conforms to evidence based practices
- c. Take only those portions of the plea that comport to evidence based practices and do not sentence in accordance with the balance of the plea conditions
- d. Other _____

(write in)

On a policy level

- a. Seek a policy agreement with the defense and prosecutor on what should be included (eg, jail/prison length of probation) or excluded (eg, treatment conditions, type of Supervision)
- b. Adopt a system wide policy that allows for “open mandate” whereby probation as discretion select most appropriate program conditions per assessment
- c. Other _____

(write in)

Exercise: Avoiding the Fog Local and State Policy

Instructions: A list of conditions for an effective judiciary around risk reduction are provided in the article “Evidence-Based Practice to Reduce Recidivism: Implications for State Judiciaries” by Roger Warren, NIC/CJI; Aug 30, 2007. Individually review the list below and indicate where the “confidence gaps” exist. Then, as a small group at your table, identify one or two things you can do to influence the confidence gaps.

Policy Level	To what degree do you have confidence that:	Strong confidence: no gap	Medium confidence: some gap	No confidence: significant gap
Local	There exists an appropriate local treatment program that will accept the offender and that is faithfully operated by the treatment provider in accord with the principles of ebp.			
	There are relevant program performance data indicating that the designated program successfully achieves recidivism outcomes			
	There is sufficient information about the offender and designated program to permit the judge to determine that the defendant is an appropriate candidate for and good match with the program			
	That the offender’s participation in the program will be diligently monitored by the treatment provider			
	That the probation department will support and monitor the offender’s successful participation			
	There is an appropriate intermediate sanction or offender control mechanism if punitive sanctions or greater offender controls are called for			

State	There is sufficient judicial discretion under sentencing statute and rules to impose the proper sentence			
	State corrections policies and funding support effective probation services and facilitate the availability of required treatment and intermediate sanctions at the local level			

Based on your answers to these questions identify one or two action steps you can take:

1. _____

2. _____

Exercise: Sentencing/Disposition Scenarios

Instructions: You will receive instructions on which case to review for sentencing/disposition. Once identified, individually review the case and select the best sentencing/disposition decision based on evidence based practices designed to reduce risk to reoffend. The exercise will be processed together as a large group.

1. Juvenile Dispositional Case-Jim

Travis is an immature seventeen year old high school student who has a wide variety of friends. He is African American and looks like he is in his twenty's. One group of friends is a younger group of 15-16 year olds who are impulsive and unsupervised. Jim wants to be everyone's friends, has a strong desire to please and has, on occasion, bought cigarettes and alcohol for them although he does not use himself. This group heard that a neighbor lady was out of town and had a large super-sized TV screen that covered an entire wall. Since they wanted to play video games on this screen they convinced Jim to break into her house one evening. While playing videos, a man who she hired to watch her house while she was gone arrived and caught the boys in the home. He pulled out a gun and confronted the boys, almost pulling a trigger when the youngest jumps through the glass pane window to escape. It is his first conviction. Jim's parents were shocked and disappointed in his behavior. Jim experienced a lot of remorse and shame over his actions. He has about to turn eighteen years of age and should be graduating but is 1.5 credits short. He works at Best Buy and the manager has taken a liking to him and agreed to help him get through the court process and keep his job for him. The assessment showed him as a low risk

Answer the following questions:

- a. What is the primary dispositional objective?
- ☐ Public safety (protect public from this offender through control mechanisms)
 - ☐ Deterrence/punish (Deliver a message to offender and community that behavior will not be tolerated)
 - ☐ Risk reduction (reduce likelihood that offender will commit future crime)
 - ☐ Victim/Community Restoration (Hold offender accountable to victim and community he harmed by requiring actions to restore those he hurt)

b. What would be an appropriate ebp disposition?

_____	_____
_____	_____
_____	_____
_____	_____

2. Adult Felony Case-Lydia

Lydia is a thirty-six year old Caucasian female who has been in and out of substance abuse treatment most of her life. She is growing tired of the lifestyle but feels hopeless in changing it. After getting into a fight with her boyfriend, she got drunk and ran into a car driven by a young man and his son. The eight year old boy suffered a broken wrist and facial lacerations. She was convicted of felony aggravated drunk driving with an injury. She has a number of prior offenses including two drunk driving charges, one felony drug possession, one felony forgery, and a misdemeanor assault. She had been crime free for five years until this charge. She has a sixth grade education and cannot read or write well enough to get most jobs but she is very interested in changing that, with an ultimate goal of becoming a nurse. She has been in and out of jobs, never holding one for longer than four months. She has a strong support system with her boyfriend of six years and her sister. She has one child who is living in a foster home. Lydia has been diagnosed with depression and PTSD. She has a feisty disposition and is outgoing and sometimes aggressive. She loves being the center of attention. Her substance abuse allows her to forget an untreated sexual assault that occurred when she was fifteen. She scored as high risk on the assessment.

Answer the following questions:

a. What is the primary dispositional objective?

- ☐ Public safety (protect public from this offender through control mechanisms)
- ☐ Deterrence/punish (Deliver a message to offender and community that behavior will not be tolerated)
- ☐ Risk reduction (reduce likelihood that offender will commit future crime)
- ☐ Victim/Community Restoration (Hold offender accountable to victim and community he harmed by requiring actions to restore those he hurt)

b. What would be an appropriate ebp disposition?

_____	_____
_____	_____
_____	_____
_____	_____

3. Adult Felony Case-Alex

Alex is a twenty four year old Native American male who was arrested for felony assault. While at a local bar he was accidentally bumped into by a patron and, without further provocation, Alex hit him from behind and while the patron was face down on the ground he cracked a beer bottle over his head knocking him unconscious. The victim suffered some permanent minor vision loss due to the assault. Alex has a long history of assaults, drinking offenses, and thefts on his record. He has five felonies and fifteen misdemeanor convictions as a juvenile and adult. He has been in fourteen different treatment or correctional institutions, only successfully graduating from one. He is one of the leaders of a Native American gang and is often called upon to execute “justice” on rival gang members. Alex’s father has been in prison twice as well as a number of uncles and cousins. Alex has no interest in changing his behavior and blames all of his troubles on racial bias by police and other officials. His only major stated goal in life is to get everyone off his back and live independently. He has no significant relationships (ie, spouse or children) other than gang affiliation. He scored very high on the assessment.

Answer the following questions:

a. What is the primary dispositional objective?

- ☐ Public safety (protect public from this offender through control mechanisms)
- ☐ Deterrence/punish (Deliver a message to offender and community that behavior will not be tolerated)
- ☐ Risk reduction (reduce likelihood that offender will commit future crime)
- ☐ Victim/Community Restoration (Hold offender accountable to victim and community he harmed by requiring actions to restore those he hurt)

b. What would be an appropriate ebp disposition?

_____	_____
_____	_____
_____	_____
_____	_____

4. Adult Felony Case- Tony*

Tony Jones entered Quality Clothing and attempted to leave the store with an expensive leather jacket concealed under a huge parka that the defendant was wearing. When the security guard attempted to stop the defendant, the defendant punched and threatened the security guard who was eventually able to restrain the defendant until local law enforcement arrived. Tony is 28 years of age. He was first involved in the justice system at age 13 for his involvement in battery. During the term of his juvenile probation Mr. Jones was arrested for criminal trespass and disorderly conduct. His probation was revoked twice but he successfully completed his term. The current offense is his third adult conviction. His priors included burglary and car theft which occurred six years ago. He has been arrest free for five years.

Mr. Jones reported experimental use of marijuana at age 13 and states that he has not used drugs for many years. He does drink alcohol on weekends. There is no history of substance abuse treatment. He reports having two groups of friends, one of which never get into illegal trouble and another that frequents the court system. He has shown periods of non-compliance as well as period of compliance. Mr. Jones reported that he believes shoplifting is a “minor offense” given the fact that “no one got hurt.

Mr. Jones reports having a positive relationship with his parents. None of his immediate family members have a criminal history. He is a graduate of High School where he had a history of behavioral problems that included disruptive classroom behavior and numerous physical altercations with other students. He reports no mental health issues. He does not have a stable housing pattern, moving from his friends to his parents’ homes for living arrangements. He is currently unemployed and has no means of income.

Answer the following questions:

a. What is the primary dispositional objective?

- ☐ Public safety (protect public from this offender through control mechanisms)
- ☐ Deterrence/punish (Deliver a message to offender and community that behavior will not be tolerated)
- ☐ Risk reduction (reduce likelihood that offender will commit future crime)
- ☐ Victim/Community Restoration (Hold offender accountable to victim and community he harmed by requiring actions to restore those he hurt)

b. What would be an appropriate ebp disposition?

_____	_____
_____	_____
_____	_____
_____	_____

(adapted from Administrative Office of the Illinois Courts)

5. Adult Misdemeanor Case-Travis

Travis is an eighteen-year-old male who has three felonies and six misdemeanor juvenile adjudications and is currently on his first adult felony petition. His juvenile record started at age 14 when he assaulted his mother, knocking her unconscious over a fight about her missing money from her purse. The money was intended to be used for her drug addiction. Travis completed juvenile probation after three years of various court ordered programs including foster care, chemical abuse out patient, anger management, and juvenile detention (long term). He has not had an encounter with law enforcement for a year, until this latest adult felony charge of receiving stolen property.

Travis is not chemically addicted, but he does abuse alcohol and marijuana on occasion. His father left the home when he was eight, and mother has so many of her own issues that she has largely neglected him since age ten. He still lives at home but comes and goes when he chooses. He has not graduated from high school but is only two credits short of a diploma. He enjoys working on small engines and landed a job eighteen

months ago with a small repair shop. The owner, George, took a liking to Travis and taught him most of what he knows. George is patient and allows Travis to work when he wants to.

Most of Travis' friends are also in trouble with police or are on probation. Some of them are currently doing time in a state institution. He has, however, been dating a sixteen year old girl by the name of Penny for about a year. They have made a commitment to each other and talk about living on their own when she graduates from high school. Penny's father, Stan, has been very supportive of Travis despite his troubles.

Travis gets bored easily and has had bouts with anger. He doesn't want to be in constant trouble, but "trouble just seems to find him." His interests in social outlets have been growing (i.e., snow boarding, billiards, dodge ball, and poker). The recent receiving stolen property charge occurred when his friend did a burglary and asked him to store the goods for a percentage of the proceeds. He did so both as a favor to his friend and because he stood to gain some easy money.

Answer the following questions:

a. What is the primary dispositional objective?

- ☐ Public safety (protect public from this offender through control mechanisms)
- ☐ Deterrence/punish (Deliver a message to offender and community that behavior will not be tolerated)
- ☐ Risk reduction (reduce likelihood that offender will commit future crime)
- ☐ Victim/Community Restoration (Hold offender accountable to victim and community he harmed by requiring actions to restore those he hurt)

b. What would be an appropriate ebp disposition?

_____	_____
_____	_____
_____	_____
_____	_____

6. Adult Misdemeanor Case-Kyle (domestic violence)

Kyle Jordan is forty years of age and has been married to the same woman for sixteen years. He was recently arrested and pled guilty to misdemeanor domestic violence. The victim's version of the offense indicated that Mr. Jordan was upset over the manner in which she was managing the children and finances. He slapped her and she started to run from the house. He pulled her back into the house and, in a rage, began to choke her. When the phone rang, he "regained his senses" and let her go. She then ran to the next door neighbor for protection. She suffered from a bruised cheek and choke marks on her neck. There have been numerous police calls and warnings over the past five years but this was only the second time an arrest was made. The first arrest three years ago did not result in charges as his wife withdrew her cooperation.

Mr. Jordan is a successful businessman and enjoys a high income. He and his wife have four kids ages 8, 10, 16, and 17. He coaches his kid's soccer and baseball teams. He has been under a lot of work pressure lately which he blames for his excessive drinking of late. He had witnessed his father abusing his mother as a youngster and vowed not to be like him. However, he has noticed that he is emulating this behavior but feels as though she is provoking him and pressing his buttons in what he perceives as an attempt to get him angry. He was assessed and was determined to have a significant anger problem, poor coping skills, and a lot of anxiety.

Answer the following questions:

- a. What is the primary dispositional objective?
- ☐ Public safety (protect public from this offender through control mechanisms)
 - ☐ Deterrence/punish (Deliver a message to offender and community that behavior will not be tolerated)
 - ☐ Risk reduction (reduce likelihood that offender will commit future crime)
 - ☐ Victim/Community Restoration (Hold offender accountable to victim and community he harmed by requiring actions to restore those he hurt)

b. What would be an appropriate ebp disposition?

_____	_____
_____	_____
_____	_____
_____	_____

Exercise: Doing Good/Harm Test Judicial Sentencing Practices

Instructions: The following is intended as a discussion guide. Answers to the questions must be considered within circumstantial context. The “correct” answers might change once these circumstances are better understood.

Test Instructions

Read each question carefully. Using the rating guide, put an “X” under a number.

Rating Guide

1 = Sentencing practice that reflects this belief will likely reduce recidivism.

2 = Sentencing practice that reflects this belief will likely neither reduce nor increase recidivism.

3 = Sentencing practice that reflects this belief will likely increase recidivism.

NOTE: For this test, risk of re-offense is defined as long-term behavioral change, long after the justice system is out of the offender’s life. It is an intrinsic trait owned by the offender and not imposed by others.

Beliefs	
1. Offenders who are intensely supervised will do better since someone is watching them closely.	<div>1 2 3</div> <div><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></div>
2. If family members are involved in the offender’s treatment process the offender is more likely to achieve the treatment outcomes.	<div>1 2 3</div> <div><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></div>
3. Mixing gender in treatment groups is important since women and men need good role models of the opposite sex.	<div>1 2 3</div> <div><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></div>
4. Jail and prison are effective ways of redirecting offenders’ behavior if conditions are unpleasant enough so that offender does not want to return.	<div>1 2 3</div> <div><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></div>
5. Programming is a better investment for the more pro-social offender as they are more likely to positively respond to the information received.	<div>1 2 3</div> <div><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></div>

6. Domestic violence is a serious matter and all offenders should go through a similar, long term program.	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
7. Most offenders do not know how to handle stress well and therefore programs like yoga, gardening, and meditation are helpful in reducing stress and future crime.	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
8. Probation officers will be more effective if their caseloads are low.	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
9. It is more important what the probation officer does than how much time he/she has to do it.	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
10. The personal characteristics of the offender are not as relevant to whether s/he will commit a new crime as is the seriousness of her/his present crime.	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
11. The manner in which court hearings are held, such as the demeanor of the judge, are not significant factors in reducing recidivism.	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>

12. Giving an offender positive feedback from the bench when appropriate is an effective form of shaping behavior.	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
13. Giving an offender negative feedback from the bench is an effective form of shaping behavior.	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
14. Treatment is positive, so the more treatment the court can order for offenders the better the chances for success.	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
15. The extreme high risk offender needs an extensive amount of treatment.	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
16. The medium and high risk offenders can be helped with treatment programs that provide a one hour session per week for twelve weeks.	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
17. How revocations are handled has little to do with offender recidivism outcomes.	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
18. It is not that important whether an offender is motivated for treatment. Treatment programs will provide a means to motivate them.	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
19. Employment is critical to an offender's success. Finding a job is one of the first things that a higher risk offender should focus on.	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>

20. A short term punishment is often sufficient to increase offender motivation to comply on a revocation matter.	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
21. Programs designed to shock the offender, such as Scared Straight, are an effective way to redirect behavior.	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
22. If a program appears to be working well with one type of offender it is a good idea to send other types of offenders there.	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>

Answer Key	
1. Supervision alone, no matter how intense, will not reduce likelihood of re-offense long term.	2 <input type="checkbox"/>
2. Involvement of the family in the programming of the offender significantly increases the potential for positive offender outcomes.	1 <input type="checkbox"/>
3. Mixing gender in groups will most often reduce the treatment effect for females, especially if there is past trauma/abuse.	3 <input type="checkbox"/>
4. Jail/prison and other forms of punishment do not reduce recidivism over the long term.	2 <input type="checkbox"/>
5. Pro-social, low-risk offenders are generally self correcting and programming will more likely increase recidivism rather than decrease it.	3 <input type="checkbox"/>
6. Anytime, you have a “one size fits all” program, you will be violating the principle of responsivity that requires the matching of offender characteristics to program features. Not all domestic violence perpetrators are alike and they will need differentiated responses.	3 <input type="checkbox"/>
7. There is no consistent or reliable empirical evidence that programs designed to increase a person’s self esteem, physical conditioning, or relaxation will reduce recidivism. Behavioral modification requires a change thoughts/skills.	2 <input type="checkbox"/>
8. There is no current evidence that smaller probation caseload sizes by themselves will reduce recidivism unless the additional time due to lower caseloads is effectively targeted toward criminogenic needs. However, high caseloads will limit the probation officer’s ability to be as effective as they could be.	2 <input type="checkbox"/>
9. This is a true statement (see 8 above.)	1 <input type="checkbox"/>
10. When sentencing, it is much more important to focus on the “who” than the “what.”	1 <input type="checkbox"/>
11. The court plays an important role by providing positive/negative consequences and avoiding mixing offender risk levels in programs and waiting rooms.	1 <input type="checkbox"/>
12. Giving pro-social messages, especially from those the offender respects, advances reinforcement toward law abiding behavior.	1 <input type="checkbox"/>
13. While positive feedback is more powerful motivator than negative, expressing disapproval over anti-social behavior is also important.	1 <input type="checkbox"/>

14. More is not necessarily better. Putting an offender in a treatment program that he/she doesn't need or failure to take into account an offender's personal traits when placing in a program can increase recidivism.	3 <input type="checkbox"/>
15. The extreme high risk offender does not respond well to treatment and such programming can make them more likely to recidivate. At least initially they require strict monitoring and control.	3 <input type="checkbox"/>
16. Dosage and intensity are important. The court should place offenders into programs that provide 100 to 300 hours of programming for medium/high offenders.	2 <input type="checkbox"/>
17. Revocation practice will influence compliance if conducted effectively and differentially. It should take into account factors such as offender characteristics, consistency, and timeliness of response in order to be effective.	3 <input type="checkbox"/>
18. Motivation is a key responsivity factor and not all programs have mechanisms built in to enhance motivation. In most cases, poorly motivated offenders diminish the progress of other offenders in the program.	3 <input type="checkbox"/>
19. While employment should be attended to, it is not one of the top four criminogenic needs and other criminogenic needs, such as anti-social values and beliefs, will likely need to be attended to first or the employer might be put at risk.	3 <input type="checkbox"/>
20. A short response is usually best as the effects of longer term consequences tend to wear off. While revocation proceedings by themselves will not likely impact recidivism, they can increase motivation to comply with programs.	1 <input type="checkbox"/>
21. There is no evidence that interventions designed to shock offenders are effective long term strategies and often make offenders worse.	3 <input type="checkbox"/>
22. Programs must be tailored to the individual. Only certain offenders will likely benefit from specific programs and widening the intake without regard to matching the program with offender type will likely diminish effectiveness.	2 <input type="checkbox"/>

The Eight Evidence Based Practices Principles to Reduce Risk of Reoffending: Explanation in Practitioner's Language

1. Assess actuarial risk/needs --Use **assessments** to guide case decisions by applying actuarial tools that describe the who (who will most likely respond to interventions), the what (the specific needs that must be addressed to reduce re-offense) and the how (matching the intervention with the traits of the individual)
2. Enhance intrinsic motivation -- **Get offenders treatment ready** and keep them engaged (by using motivational interviewing, strength based approaches, and rewards and sanctions)
3. Target intervention: risk, need, responsivity, dosage, intensity -- Apply a **laser-like focus** on factors that promote law abiding behavior (by addressing ones proven to be linked to future crime)
4. Skill train with directed practice -- **Match the offender traits** with the right intervention (by paying attention to the offender's risk level, criminogenic needs, motivation, offender and intervention traits, and proper dosage/intensity)
5. Increase positive reinforcement -- **Use cognitive behavioral techniques** for the medium and high risk offenders who meet referral criteria. Train the corrections professional in reinforcing lesson plans in cognitive restructuring and skill curricula.
6. Engage ongoing support in natural communities -- Strengthen the influence of the **pro-social community** in the offender's life and help stabilize the offender
7. Measure relevant processes and practices -- Ensure that those who give direct service are delivering service with techniques that are true to the model (by proper training of direct service staff, adherence to **fidelity** principles, and partnering with vendors)
8. Provide measurement feedback -- **Use data** to guide actions (by evaluating programs and making mid-course adjustments)

**FOR MORE INFORMATION
CONTACT THE CAREY GROUP**

5259 Oak Ridge Court
White Bear Lake, MN 55110

(651) 226-4755
mark@thecareygroupinc.com

www.thecareygroupinc.com